

Colorado Transportation Commission

Schedule & Agenda
January 20-21, 2021

Due to the ongoing COVID-19 Situation,
the Transportation Commission workshops and meeting will occur ONLINE ONLY.

For link to youtube meeting access please see website:
<http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html>

Karen Stuart, Chair
Broomfield, District 4

Shannon Gifford
Denver, District 1
Don Stanton
Arvada, District 2
Eula Adams
Arapahoe County, District 3
Kathleen Bracke
Fort Collins, District 5
Barbara Vasquez
Cowdrey, District 6

Kathy Hall, Vice-Chair
Grand Junction, District 7
Sidny Zink
Durango, District 8
Lisa Hickey
Colorado Springs, District 9
Bill Thiebaut
Pueblo, District 10
Gary Beedy
Genoa, District 11

THE CHAIRWOMAN MAY ALTER THE ITEM SEQUENCE OR TIMES

The times indicated for each topic on the Commission agenda are an estimate and subject to change. Generally, upon the completion of each agenda item, the Commission will immediately move to the next item. However, the order of agenda items is tentative and, when necessary to accommodate the public or the Commission's schedules, the order of the agenda items are subject to change.

Documents posted at <http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are in draft form and for information only until the Commission takes final action.

TRANSPORTATION COMMISSION WORKSHOPS

Wednesday, January 20, 2021

- 11:45 a.m. Commissioner Check in on Zoom
- 12:00 p.m. Right of Way Condemnation Authorizations (2) (Steve Harelson)
- 12:30 p.m. Budget Workshop (Jeff Sudmeier and Bethany Nicholas)
- 1:15 p.m. State Infrastructure Bank Loan Application (Jeff Sudmeier and Dave Ulane)
- 1:30 p.m. Policy Directive 1609.0 - Transportation Asset Management Workshop (Rebecca White and Toby Manthey)
- 1:50 p.m. Policy Directive 1601- Interchange Approval Policy Revision (Aaron Willis)
- 2:50 p.m. Joint Budget Committee Presentation (Shoshana Lew, Steve Hareleson, and Jeff Sudmeier)
- 3:50 p.m. Electric Vehicle Charging and Cooridor Updates (Kay Kelly and Michael King)

4:20 p.m. Freight Committee Meeting: National Highway Freight Program Detailed Overview (Rebecca White and Michelle Scheuerman)

5:20 p.m. Adjournment

TRANSPORTATION COMMISSION MEETING

Thursday, January 21, 2021

8:00 a.m. Commissioner Breakfast Call

9:00 a.m. 1. Call to Order, Roll Call

9:05 a.m. 2. Public Comments (provided to commissioners in writing before meeting)

9:10 a.m. 3. Comments of the Chair and Individual Commissioners

9:25 a.m. 4. Executive Director's Management Report (Shoshana Lew)

9:30 a.m. 5. Chief Engineer's Report (Steve Harelson)

9:35 a.m. 6. HPTE Director's Report (Nick Farber)

9:45 a.m. 7. FHWA Division Administrator Report (John Cater)

9:50 a.m. 8. STAC Report (Vincent Rogalski)

9:55 a.m. 9. Act on Consent Agenda

a) Proposed Resolution #1: Approve the Regular Meeting Minutes of December 16, 2020 (Herman Stockinger)

b) Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)

c) Proposed Resolution #3: Disposal: SH 103 (Parcel 1-EX) (Paul Jesaitis)

d) Proposed Resolution #4: Disposal: SH 9 MP 83-83.5 (Parcel 1) (Mike Goolsby)

e) Proposed Resolution #5: Referral of CDOT Region 3 Access Appeal to the Office of Administrative Courts, 2 CCR 601-1(2.9) (Kathy Young)

f) Proposed Resolution #6: State Infrastructure Bank Loan Application (Jeff Sudmeier and Dave Ulane)

g) Proposed Resolution #7: Policy Directive 1609.0 Transportation Asset Management (Rebecca White)

10:00 a.m. 10. Discuss and Act on Proposed Resolution #8: Condemnation Authorization: Region 4 Project 22831 (I-25 Segments 5 and 6) (Steve Harelson)

10:05 a.m. 11. Discuss and Act on Proposed Resolution #9: Condemnation Authorization: Region 3 Project 17881 (SH 13 MP 11.2 - 16.2) (Steve Harelson)

10:10 a.m. 12. Discuss and Act on Proposed Resolution #10: 6th Budget Amendment of FY 2021 (Jeff Sudmeier)

- 10:15 a.m. 13. Discuss and Act on Proposed Resolution #11: I-70 Mountain Express Lane Intra-Agency Agreement (Nick Farber)
- 10:20 a.m. 14. Discuss and Act on Proposed Resolution #12: HPTE and CDOT MOU (Nick Farber)
- 10:25 a.m. 15. Discuss and Act on Proposed Resolution #13: Lifting Unsolicited Proposal Moratorium(s) (Nick Farber)
- 10:30 a.m. 16. Recognitions
- 10:35 a.m. 17. Other Matters
- 10:40 a.m. 18. Adjournment

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Est. Start Time: 10:40 a.m.

BRIDGE ENTERPRISE BOARD OF DIRECTORS MEETING

Thursday, January 21, 2021

- 10:40 a.m. 1. Call to Order and Roll Call
2. Public Comments (provided to commissioners in writing before meeting)
3. Act on Consent Agenda
- Proposed Resolution #BE1: to Approve the Regular Meeting Minutes of December 16, 2020 (Herman Stockinger)
4. Discuss & Act on Proposed Resolution #BE2: Bridge Enterprise 5th Budget Supplement for FY '20 (Jeff Sudmeier)
5. Other Matters
6. Adjournment

INFO ONLY

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- HUTF Revenue Forecast Update (Jeff Sudmeier)
- Bustang Service Adjustments (David Krutsinger)



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: JANUARY 20, 2021
SUBJECT: FY 2020-21 BUDGET AMENDMENT

Purpose

To review the sixth amendment to the FY 2020-21 Annual Budget in accordance with Policy Directive (PD) 703.0.

Action

The Division of Accounting and Finance (DAF) is requesting Transportation (TC) review and approval of the sixth amendment to the FY 2020-21 Annual Budget. The sixth amendment consists of three items that require TC approval, described below, resulting in the addition of \$149.1 million in new federal stimulus and supplemental FY 2020-21 funding to the Strategic Projects and STP-Metro lines, and the reallocation of \$19.5 million from the TC Program Reserve to the Strategic Projects line. The sixth amendment also includes a request to approve 5.0 term-limited FTE to support additional contracts and intergovernmental agreements resulting from new programs and funding, including the recent federal stimulus.

Federal Stimulus and Supplemental FY 2021 Appropriations

As discussed with the TC during the special session on January 4, Congress passed a \$900 billion COVID relief package, a \$1.4 trillion FY 2021 omnibus appropriations package (including the FY 2021 Transportation and Housing and Urban Development—or THUD—bill) and various other pieces of pending legislation. This bill includes:

- \$46.4 billion in FY 2021 obligation limitation for the Federal-aid Highway Program consistent with the one-year extension of the FAST Act at FY 2020 funding levels
- \$9.8 billion in flexible COVID relief funding with 100 percent federal share
- \$1.7 billion in general funds for a highway bridge rehabilitation program and a Surface Transportation Block Grant (STBG) supplemental as part of FY 2021 appropriations

Of the \$9.8 billion flexible relief funding (i.e. stimulus STBG), CDOT anticipates receiving approximately 1.37%, or \$134,336,463. In addition to typical federal funding eligibility, funds may be used for preventive maintenance, routine maintenance, operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave), and no state match is required. Funds are to be allocated based on the STBG Program formula, which allocates more than half of funding on the basis of population.

CDOT will receive an additional \$8,746,154 in FY 2020-21 Supplemental STBG funding and \$6,000,000 in FY 2020-21 Supplemental Bridge funding, for a total of \$149,082,616.

The sixth budget amendment increases the FY 2020-21 budget by \$149,082,616 which is allocated to the following lines in the Revenue Allocation Plan (see Attachment A - Amended FY 2020-21 Annual Budget) to fund a list of shovel-ready projects that was approved by the TC on January 4:

- \$97.0 million to Strategic Projects (line 18)



- \$52.1 million to STP-Metro (line 51) for the portion that will be allocated to the MPOs

Region 2 - SH 21 and Research Parkway Interchange Project

One of the projects that is approved for funding with federal stimulus funds is the SH 21 and Research Parkway Interchange project in Region 2. The total cost of this project, which is top priority for the Pikes Peak area, is approximately \$43.6 million. The Department will use approximately \$24.0 million in federal stimulus funding, including \$7.0 million that will come from the Pikes Peak allocation to supplement the project, leaving a gap in funding of \$19.5 million. The Department is requesting an \$19.5 million loan from the TC Program Reserve that will be repaid once the third tranche of SB267 COPs is issued.

The current balance in the TC Program Reserve is \$72.5 and approximately \$27.0 million is needed to balance the FY 2021-22 budget, leaving a balance of \$45.5 million to fund this loan and other contingencies that arise during the fiscal year.

The sixth budget amendment reallocates \$19,500,000 from the TC Program Reserve (line 69) to Strategic Projects (line 18).

Staffing Needs for Contracting

In order to meet the increased workload resulting from the rollout of projects associated with new programs and funding, including the CARES Act, the more recent COVID Relief package, and potentially future state stimulus funding, as well as the new Safer Main Streets and Revitalizing Main Streets grant programs, the Department is asking the Commission for the approval of five term-limited positions (5.0 FTE) at a total cost of \$480,058 per year for a term of two years. The new positions are requested because of the increased workload necessitated by the following:

- Expected growth in short term grant contracts and local agency Intergovernmental Agreements (IGAs) including additional transit grants, new Safer Main Streets/Revitalizing Main Streets grants, and additional local agency IGAs associated with the COVID Relief package
- Additional workload associated with setting up projects, budgeting and STIPing projects, and processing grant agreement and IGAs
- Additional workload associated with processing invoices for new and expanded grant programs

The requested positions are anticipated to be filled as follows:

- Contract Administrator III/IV (3.5 FTE) to meet the expected growth in the number of contract and intergovernmental agreements
- Accounting Tech III (1.0 FTE) to assist with project and grant set-up, adding projects to the STIP, and Accounts Payable activities (e.g. processing invoices).
- Administrator III (0.5 FTE) also to assist with project and grant set-up, adding projects to the STIP, and Accounts Payable activities (e.g. processing invoices).

These positions would be filled on top of the Department's current FTE cap and per PD 703.0, increasing the total number of FTE across the Department requires TC approval. Therefore, the sixth budget amendment includes approval to increase the number of FTE by 5 for two fiscal years. The salaries, benefits and operating expenses for the FTE will be absorbed within existing resources from the indirects budget and the Administration line in FY 2020-21, and incorporated into the Proposed FY 2021-22 budget.

The Department is evaluating its long-term staffing needs to better balance resource needs against fluctuating revenue and program size, and to optimize the mix of in-house vs. outsourced resources. This may result in future discussions with the TC regarding long-term resource needs.

Options and Recommendation

1. Approve proposed Budget Amendment (see proposed resolution #9) -- STAFF RECOMMENDATION



2. Approve a portion of the proposed budget amendment.
3. Request additional information and defer action to a subsequent month.

Attachments

Attachment A - Amended FY 2020-21 Annual Budget

Attachment B - Presentation



Attachment A: FY 2020-21 CDOT AMENDED ANNUAL BUDGET

Line	Budget Category / Program	Rollforward from FY19-20	FY 2020-21 Allocation Plan	Proposed TC Amendments	Approved TC Amendments	EMT and Staff Approved Adjustments	Total FY21 Program Budget Available including Changes	Directed By	Funding Source
1	COLORADO DEPARTMENT OF TRANSPORTATION								
2	Capital Construction	\$784.1 M	\$973.6 M	\$116.5 M	-\$254.7 M	\$158.4 M	\$1,778.0 M		
3	Asset Management	\$96.1 M	\$325.2 M	\$0.0 M	\$1.0 M	\$2.0 M	\$424.3 M		
4	Surface Treatment	\$23.3 M	\$223.2 M	\$0.0 M	\$0.0 M	\$1.2 M	\$247.7 M	TC	FHWA / SH / SB 09-108
5	Structures	\$1.9 M	\$51.8 M	\$0.0 M	\$0.0 M	-\$0.2 M	\$53.5 M	TC	FHWA / SH / SB 09-108
6	System Operations-AM	\$1.0 M	\$31.4 M	\$0.0 M	\$1.0 M	\$0.8 M	\$34.1 M	TC	FHWA / SH
7	Geohazards Mitigation	\$0.3 M	\$12.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$12.5 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$6.2 M	\$6.5 M	\$0.0 M	\$0.0 M	\$0.3 M	\$13.0 M	TC	FHWA / SH
9	Emergency Relief	\$63.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$63.4 M	FR	FHWA
10	Safety	\$13.7 M	\$127.6 M	\$0.0 M	-\$7.7 M	\$2.4 M	\$136.1 M		
11	Highway Safety Improvement Program	\$4.4 M	\$32.8 M	\$0.0 M	\$0.0 M	\$0.4 M	\$37.7 M	FR	FHWA / SH
12	Railway-Highway Crossings Program	\$0.0 M	\$3.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.6 M	FR	FHWA / SH
13	Hot Spots	\$0.1 M	\$2.2 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$2.2 M	TC	FHWA / SH
14	FASTER Safety	\$9.2 M	\$67.6 M	\$0.0 M	-\$7.7 M	\$2.1 M	\$71.2 M	TC	SB 09-108
15	ADA Compliance	\$0.0 M	\$21.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.4 M	TC	FHWA / SH
16	Mobility	\$674.3 M	\$520.8 M	\$116.5 M	-\$248.0 M	\$154.0 M	\$1,217.6 M		
17	Regional Priority Program	\$0.0 M	\$48.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$48.4 M	TC	FHWA / SH
18	Strategic Projects	\$633.9 M	\$450.0 M	\$116.5 M	-\$248.0 M	\$154.7 M	\$1,107.1 M	SL	SB 17-267 / SB 19-262
19	National Highway Freight Program	\$40.5 M	\$22.4 M	\$0.0 M	\$0.0 M	-\$0.7 M	\$62.2 M	FR	FHWA / SH
20	Maintenance and Operations	\$12.2 M	\$368.8 M	\$0.0 M	\$3.4 M	-\$2.3 M	\$379.2 M		
21	Asset Management	\$7.7 M	\$332.9 M	\$0.0 M	\$5.5 M	-\$0.4 M	\$342.8 M		
22	Maintenance Program Areas	\$0.0 M	\$265.2 M	\$0.0 M	\$2.0 M	\$0.0 M	\$267.2 M		
23	Roadway Surface	\$0.0 M	\$41.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$41.4 M	TC	SH
24	Roadside Facilities	\$0.0 M	\$21.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.8 M	TC	SH
25	Roadside Appearance	\$0.0 M	\$10.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$10.7 M	TC	SH
26	Structure Maintenance	\$0.0 M	\$4.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.5 M	TC	SH
27	Tunnel Activities	\$0.0 M	\$3.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.4 M	TC	SH
28	Snow and Ice Control	\$0.0 M	\$78.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$78.7 M	TC	SH
29	Traffic Services	\$0.0 M	\$70.3 M	\$0.0 M	\$2.0 M	\$0.0 M	\$72.3 M	TC	SH
30	Materials, Equipment, and Buildings	\$0.0 M	\$16.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$16.4 M	TC	SH
31	Planning and Scheduling	\$0.0 M	\$18.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$18.1 M	TC	SH
32	Toll Corridor General Purpose Lanes	\$0.0 M	\$2.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.9 M	TC	SH
33	Property	\$0.1 M	\$29.3 M	\$0.0 M	\$0.5 M	\$0.2 M	\$30.2 M	TC	SH
34	Capital Equipment	\$7.5 M	\$23.5 M	\$0.0 M	\$1.0 M	\$0.9 M	\$32.9 M	TC	SH
**35	Maintenance Reserve Fund	\$0.0 M	\$12.0 M	\$0.0 M	\$2.0 M	-\$1.6 M	\$12.4 M	TC	SH
36	Safety	\$1.3 M	\$11.4 M	\$0.0 M	-\$1.6 M	-\$4.5 M	\$6.7 M		
37	Strategic Safety Program	\$1.3 M	\$11.4 M	\$0.0 M	-\$1.6 M	-\$4.5 M	\$6.7 M	TC	FHWA / SH
38	Mobility	\$3.2 M	\$24.6 M	\$0.0 M	-\$0.6 M	\$2.6 M	\$29.8 M		
39	Real-Time Traffic Operations	\$0.0 M	\$14.6 M	\$0.0 M	-\$0.6 M	-\$0.3 M	\$13.7 M	TC	SH
40	ITS Investments	\$3.2 M	\$10.0 M	\$0.0 M	\$0.0 M	\$2.9 M	\$16.1 M	TC	FHWA / SH
41	Multimodal Services	\$119.1 M	\$70.1 M	\$0.0 M	-\$0.8 M	\$12.1 M	\$200.5 M		
42	Mobility	\$119.1 M	\$70.1 M	\$0.0 M	-\$0.8 M	\$12.1 M	\$200.5 M		
43	Innovative Mobility Programs	\$7.5 M	\$11.1 M	\$0.0 M	\$0.0 M	-\$1.0 M	\$17.6 M	TC	FHWA / SH
***44	Strategic Transit and Multimodal Projects	\$101.4 M	\$50.0 M	\$0.0 M	\$0.0 M	\$12.4 M	\$163.9 M	SL	SB 17-267
****45	Rail Commission	\$1.1 M	\$0.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.2 M	SL	SL
46	Bustang	\$9.1 M	\$8.9 M	\$0.0 M	-\$0.8 M	\$0.7 M	\$17.8 M	TC	SB 09-108 / Fare Rev.
47	Suballocated Programs	\$463.3 M	\$224.1 M	\$52.1 M	\$0.0 M	-\$16.0 M	\$723.4 M		
48	Aeronautics	\$25.7 M	\$31.8 M	\$0.0 M	\$0.0 M	-\$7.9 M	\$49.6 M		
49	Aviation System Programs	\$25.7 M	\$31.8 M	\$0.0 M	\$0.0 M	-\$7.9 M	\$49.6 M	AB	SA
50	Highway	\$235.7 M	\$125.7 M	\$52.1 M	\$0.0 M	-\$9.4 M	\$404.2 M		
51	STP-Metro	\$158.2 M	\$55.7 M	\$52.1 M	\$0.0 M	\$0.7 M	\$266.7 M	FR	FHWA / LOC
52	Congestion Mitigation and Air Quality	\$60.3 M	\$50.5 M	\$0.0 M	\$0.0 M	-\$10.3 M	\$100.4 M	FR	FHWA / LOC
53	Metropolitan Planning	\$1.4 M	\$9.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$10.6 M	FR	FHWA / FTA / LOC
54	Off-System Bridge Program	\$15.8 M	\$10.5 M	\$0.0 M	\$0.0 M	\$0.2 M	\$26.5 M	TC / FR	FHWA / SH / LOC
55	Transit and Multimodal	\$201.9 M	\$66.6 M	\$0.0 M	\$0.0 M	\$1.3 M	\$269.7 M		
56	Recreational Trails	\$1.9 M	\$1.6 M	\$0.0 M	\$0.0 M	-\$0.5 M	\$3.0 M	FR	FHWA
57	Safe Routes to School	\$10.0 M	\$3.1 M	\$0.0 M	\$0.0 M	-\$0.2 M	\$13.0 M	TC	FHWA
58	Transportation Alternatives Program	\$29.7 M	\$12.3 M	\$0.0 M	\$0.0 M	\$0.1 M	\$42.1 M	FR	FHWA / LOC
59	Transit Grant Programs	\$81.1 M	\$49.6 M	\$0.0 M	\$0.0 M	\$1.5 M	\$132.2 M	FR / SL / TC	FTA / LOC / SB 09-108
*****60	Multimodal Options Program	\$79.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.3 M	\$79.5 M	TC/SL	SB 19-125
61	Administration & Agency Operations	\$22.6 M	\$100.9 M	\$0.0 M	\$9.3 M	-\$16.9 M	\$115.9 M		
62	Agency Operations	\$22.1 M	\$62.6 M	\$0.0 M	\$9.3 M	-\$16.8 M	\$77.3 M	TC / AB	FHWA / SH / SA / SB 09-108
63	Administration	\$0.0 M	\$35.7 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$35.5 M	SL	SH
64	Project Initiatives	\$0.5 M	\$2.6 M	\$0.0 M	\$0.0 M	\$1.1 M	\$4.1 M	TC	SH
65	Debt Service	\$145.5 M	\$62.8 M	\$0.0 M	\$102.5 M	-\$50.1 M	\$260.7 M		
66	Debt Service	\$145.5 M	\$62.8 M	\$0.0 M	\$102.5 M	-\$50.1 M	\$260.7 M	DS	FHWA / SH
67	Contingency Reserve	\$50.1 M	\$15.0 M	-\$19.5 M	-\$28.0 M	\$93.3 M	\$110.9 M		
68	Contingency Fund	\$31.5 M	\$15.0 M	\$0.0 M	\$0.0 M	\$1.4 M	\$47.9 M	TC	FHWA / SH
69	Reserve Fund	\$18.6 M	\$0.0 M	-\$19.5 M	-\$28.0 M	\$91.9 M	\$63.0 M	TC	FHWA / SH
70	Other Programs	\$43.7 M	\$25.1 M	\$0.0 M	\$0.6 M	\$2.0 M	\$71.3 M		
71	Safety Education	\$10.3 M	\$13.0 M	\$0.0 M	\$0.0 M	\$1.4 M	\$24.7 M	TC/FR	NHTSA / SSE
72	Planning and Research	\$7.3 M	\$11.7 M	\$0.0 M	\$0.6 M	-\$0.2 M	\$19.5 M	FR	FHWA / SH
73	State Infrastructure Bank	\$26.1 M	\$0.4 M	\$0.0 M	\$0.0 M	\$0.7 M	\$27.2 M	TC	SIB
74	TOTAL - CDOT	\$1,640.5 M	\$1,840.3 M	\$149.1 M	-\$166.9 M	\$168.4 M	\$3,631.4 M		

Key to Acronyms:

- TC = Transportation Commission
- FR = Federal
- SL = State Legislature
- AB = Aeronautics Board
- SH = State Highway
- SIB = State Infrastructure Bank
- LOC = Local
- SB = Senate Bill
- SA = State Aviation

76 COLORADO BRIDGE ENTERPRISE								
77	Capital Construction	\$86.6 M	\$100.2 M	\$0.0 M	\$0.0 M	\$0.9 M	\$201.3 M	
78	Asset Management	\$86.6 M	\$100.2 M	\$0.0 M	\$0.0 M	\$0.9 M	\$201.3 M	
79	Bridge Enterprise Projects-CBE	\$86.6 M	\$100.2 M	\$0.0 M	\$0.0 M	\$0.9 M	\$101.1 M	BEB SB 09-108
80	Maintenance and Operations	\$0.9 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.0 M	
81	Asset Management	\$0.9 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.0 M	
82	Maintenance and Preservation-CBE	\$0.9 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.5 M	BEB SB 09-108
83	Administration & Agency Operations	\$2.8 M	\$2.0 M	\$0.0 M	-\$0.1 M	\$0.0 M	\$3.9 M	
84	Agency Operations-CBE	\$2.8 M	\$2.0 M	\$0.0 M	-\$0.1 M	\$0.0 M	\$1.9 M	BEB SB 09-108
85	Debt Service	\$0.0 M	\$18.2 M	\$0.0 M	\$0.0 M	-\$18.2 M	\$18.2 M	
86	Debt Service-CBE	\$0.0 M	\$18.2 M	\$0.0 M	\$0.0 M	-\$18.2 M	\$0.0 M	BEB FHWA / SH
87	TOTAL - BRIDGE ENTERPRISE	\$90.3 M	\$120.9 M	\$0.0 M	-\$0.1 M	-\$17.4 M	\$193.8 M	

88 HIGH PERFORMANCE TRANSPORTATION ENTERPRISE								
89	Maintenance and Operations	\$52.3 M	\$17.0 M	\$0.0 M	\$10.3 M	\$6.1 M	\$44.4 M	
90	Express Lanes Operations-HPTE	\$52.3 M	\$17.0 M	\$0.0 M	\$10.3 M	\$6.1 M	\$33.4 M	HPTEB Tolls / Managed Lanes Revenue
91	Administration & Agency Operations	\$5.1 M	\$5.6 M	\$0.0 M	\$0.0 M	\$0.8 M	\$12.0 M	
92	Agency Operations-HPTE	\$5.1 M	\$5.6 M	\$0.0 M	\$0.0 M	\$0.8 M	\$6.4 M	HPTEB Fee for Service
93	Debt Service	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	
94	Debt Service-HPTE	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	HPTEB Fee for Service
95	TOTAL - HIGH PERFORMANCE TRANSPORTATION ENTERPRISE	\$57.4 M	\$22.6 M	\$0.0 M	\$10.3 M	\$6.9 M	\$97.2 M	
96	TOTAL - CDOT AND ENTERPRISES	\$1,788.2 M	\$1,983.9 M	\$149.1 M	-\$156.7 M	\$158.0 M	\$3,922.4 M	

*Roll forward budget is budget from a prior year that hasn't been committed to a project or expended from a cost center prior to the close of the fiscal year. Estimated Roll forward budget will be incorporated prior to finalizing the FY 2021 budget, and updated after the close of FY 2020

** \$10M of the FY21 Maintenance Reserve Final Allocation Plan budget is specifically allocated for Snow and Ice Control

***SB 17-267 directed the State Treasurer to execute lease-purchase agreements on existing state facilities to generate revenue for priority transportation projects. At least 10 percent of these proceeds must be used for transit projects. Of the \$50 million in estimated revenue for transit projects, the department anticipates spending \$2.4 million on Administration, \$27.6 million on the construction of bus and pedestrian facilities, and \$20.0 million on rolling stock.

****SB 18-001 appropriated \$2.5 million to the Southwest Chief and Front Range Rail Commission. Pursuant to SB 19-125, this funding is available until the close of FY 2020-21.

*****SB 18-001 created the Multimodal Transportation Options Fund, and allocated \$71.75 million to the fund in FY 2018-19 and \$22.5 million to the fund in FY 2019-20. This funding is annually appropriated by the General Assembly. The FY 2018-19 appropriation is available until the close of FY 2022-23 pursuant to SB 19-125, and the FY 2019-20 appropriation is available until the close of FY 2023-24 pursuant to SB 19-207. Of the total funding, the department will spend approximately \$6 million on administration and operating costs, approximately \$14 million for CDOT bus purchase and facility construction, and approximately \$74 million will be passed through to local agencies for rolling stock purchases.



COLORADO

Department of Transportation

January 2021 Budget Workshop FY 2020-21 Budget Amendment



FY 2020-21 Budget Amendment:

- Add \$149.1 in federal stimulus and supplemental FY 2020-21 appropriations to the FY 2020-21 Budget
- Reallocate \$19.5M for Region 2's SH 21 and Research Parkway Interchange Project
- Add 5.0 term-limited FTE to support contracts and IGAs





Federal Stimulus/Supplemental Appropriations

Relief Funding Distribution Breakdown:

Description	Assumptions	Distribution
National Total	9.8 billion	
Colorado Share	1.37%	\$134.3 million
<i>Large Urban Share >200K</i>	36.4%	<i>\$48.9 million</i>
<i>Small Urban Share 5K>200K</i>	12.3%	<i>\$16.5 million</i>
<i>Rural Share <5K</i>	8.6%	<i>\$11.5 million</i>
<i>Flexible Any Area</i>	42.8%	<i>\$57.5 million</i>

Supplemental Appropriations Distribution Breakdown:

Description	Assumptions	Distribution
STBG and Bridge		\$640.6 million
Colorado STBG Share	1.4%	\$8.7 million
<i>Large Urban Share >200K</i>	36.4%	<i>\$3.2 million</i>
<i>Small Urban Share 5K>200K</i>	12.3%	<i>\$1.1 million</i>
<i>Rural Share <5K</i>	8.6%	<i>\$0.7 million</i>
<i>Flexible Any Area</i>	42.8%	<i>\$3.7 million</i>
Colorado Bridge Share	N/A	\$6.0 million

MPO Distribution of Large Urban Share:

DRCOG	PPACG	NFR
74.24%	17.49%	8.27%
\$36.2 million	\$8.5 million	\$4.0 million

MPO Distribution of Large Urban Share:

DRCOG	PPACG	NFR
74.24%	17.49%	8.27%
\$2.4 million	\$0.6 million	\$0.3 million

**Total Stimulus and
FY21 Supplemental
Appropriations to
CO: \$149.1M**



Region 2: SH21 and Research Parkway Interchange

Region	Project Type	Project Description	Scheduled Ad Date	Funding Need	10-Year Plan	Current 10-Year Plan Status
REGION 2 TARGET \$25.5 M						
2	Capital	SH 21 and Research Parkway Interchange	Immediately	\$ 43,570,000	✓	SB Year 2/3
TOTAL				\$ 43,570,000		

- R2's flexible target amount of ~\$17 M will go to the SH 21 and Research Parkway Interchange project, plus \$7 million from PPACG.
- A loan from the TC Program Reserve (about \$19.5 million) to be paid back (assumes Year 3 COPs) will fund the remaining balance for the project.



The SH 21 and Research Parkway Interchange project constructs a grade-separated interchange to improve safety and mobility on SH 21 (Powers Blvd) including 3 miles of paving. Adds sidewalks and bike lanes to improve access from an elementary school on the east and middle and high schools on the west.



Term-limited FTE

To meet the increased workload resulting from the increased rollout of projects associated with new programs and funding, staff is requesting 5.0 term-limited FTE at a total cost of approx. \$480,000 per year for a term of two years. The requested positions are anticipated to be filled as follows:

- Contract Administrator III/IV (3.5 FTE) to meet the expected growth in the number of contract and intergovernmental agreements.
- Accounting Tech III (1.0 FTE)
- Administrator III (0.5 FTE) to assist with project and grant set-up, adding projects to the STIP, and Accounts Payable activities (e.g. processing invoices).

The salaries, benefits and operating expenses for the FTE will be absorbed within existing resources in the Administration line in FY 2020-21.

These positions would be filled on top of the Department's current FTE cap and per PD 703.0, increasing the total number of FTE across the Department requires TC approval.



Budget Amendment Summary

Request	Amount	FTE	From Budget Line	To Budget Line
Federal Stimulus	\$96.9M		n/a	Strategic Projects (line 18)
	\$52.1M		n/a	STP-Metro (line 51)
Region 2: SH21 and Research Parkway Interchange	\$19.5M		TC Program Reserve (line 69)	Strategic Projects (line 18)
Term-limited FTE	\$0.0	5.0 FTE	n/a	n/a

MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
DATE: JANUARY 21, 2021
SUBJECT: SIB LOAN APPLICATION FOR COLORADO SPRINGS AIRPORT (COS)

Purpose

The purpose of this memorandum is to provide background information on the Colorado State Infrastructure Bank (CO SIB) loan application for the Colorado Springs Airport (COS), and to review the CO SIB Review Committee recommendation for TC approval.

Action

The CDOT Office of Financial Management and Budget (OFMB) requests that the Transportation Commission approve COS's CO SIB loan request.

Background

The Colorado Springs Airport Advisory Commission unanimously approved the \$8,000,000 loan request from the COS on November 18, 2020. On December 3, 2020 Colorado Springs Airport submitted to CDOT a SIB loan application in the same amount for infrastructure development at the airport's 900 acre Peak Innovation Business Park. Attachment B includes a summary of application materials. The full application is available at the following web link [here](#). As outlined in the application, the airport intends to use the SIB loan proceeds for the development of the Peak Innovation Business Park, which is a 900 acre innovative business park that is owned and operated by the Airport. This SIB loan would fund a significant portion of the \$11.1 million in roadway improvements necessary to support park development, including improvements to the CDOT intersection at Innovation Parkway and Powers Blvd (CO-21) as shown in Attachment F. On December 9, 2020 the Colorado Aeronautical Board (CAB) validated the aviation purpose and approved the request of the loan by their Board via Resolution 2021-01, advancing the loan processing and request for approval to the Transportation Commission.

In approving the COS SIB application, the CAB noted the financial importance of this revenue-generating project to the airport, which according to the Aeronautics Division's [2020 Aviation Economic Impact Study](#), creates over 25,000 jobs and has a total economic output exceeding \$3.4 billion. This project, and the economic development it will support, provide the airport with significant non-aeronautical revenues and long-term financial sustainability. COS, like virtually every commercial service airport, strives to maximize non-aeronautical revenue, which is utilized to keep aeronautical rates and charges such as terminal rents and airline landing fees as low as possible. This strategy allows the airport to retain existing commercial airline service and attract new entrants, enabling competitive service which has broad economic and mobility benefits for the entire COS region. This low rates and charges structure is, in part, what enabled the COS community to secure new, first time service from Southwest Airlines beginning in March 2021.



In approving the COS SIB loan request, the CAB also noted the related positive economic benefits to the region from this project. As the airport noted in the application, the Park is currently home to Amazon, Aerospace Corporation and Northrop Grumman, with Amazon currently under construction with a 3.7 million square foot fulfillment center that will be completed in May 2021, a facility which will alone create 1,000 new jobs.

Details

Staff has processed the COS application according to the criteria established in CDOT's PD 720.1 (SIB Procedures). OFMB has also validated it is a complete application, it is an eligible loan type, and COS has the means to repay the proposed loan. Also, per PD 720.1, OFMB has convened the CO SIB Review Committee, which includes Commissioner Stanton as the TC delegate to that Committee. The SIB Committee unanimously determined that this is a valid loan application and that the airport's financial position to support this loan is acceptable and should be presented to the TC for approval. The City of Colorado Springs/Colorado Springs Airport currently has two prior outstanding SIB loans (2016 and 2019) from CDOT, for a remaining balance of \$8.8 million. The financial information submitted incorporates this remaining balance in their application and financials. The airport also had a 2014 SIB loan, the \$1.24 million balance of which was paid off early in December 2020.

This loan is unique in that it is eligible for both the Aviation and Highway SIB funds. At this time, neither fund has enough balance to fund this loan in its entirety. As a result, OFMB's intent will be to fund this loan first with all of the funds remaining in the Aeronautics SIB fund (approximately \$5.5 million), with the \$2.5 million balance from the Highway SIB fund. This will leave the Highway SIB fund with a balance of \$2.7 million. The amount funded from the Aviation fund may increase (and the amount from the highway fund decrease) if other Aviation SIB loan payments are made between loan approval and underwriting.

Schedule: The current project schedule indicates the design and construction work will begin in January 2021 and completed in June 2022.

Terms: The term of the proposed loan is a 10-year repayment period, at a fixed rate of 2.0%, and a request for the Transportation Commission to waive loan origination fees (1/4 of one percent of the loan amount, or \$20,000.00). Resulting annual debt service payments would be approximately \$890,612 paid from COS's development and revenue generated from the Peak Innovation Business Park. COS stated they would offer up other sources of revenue, if needed.

Security Provisions: The COS Airport has pledged new revenues from the development and new tenants within the Peak Innovation Business Park as the primary repayment source. Additional sources of repayment, if needed, are operational revenues, and lastly, cash reserves. In the case of a loan default, CDOT also has the ability to withhold their aviation fuel tax disbursements from the Aeronautics Division.

The debt coverage ratio as computed using their 12/31/19 annual financial report data is 1.23. Attachment A includes an analysis of the airport loan.



Recommendation

Staff recommends TC approval of the SIB loan COS has requested (10 year repayment, \$8,000,000 at 2.0%, no origination fee).

Next Steps

If the loan is approved, OFMB will complete the loan processing, which includes preparing the final Loan Agreement, getting that authorized by the City of Colorado Springs, and coordinating disbursement of funds to the escrow agent. As well, OFMB, the Highway Division and the Aeronautics Division will coordinate processing of valid disbursement requests from the escrow agent, as the project progresses.

Attachments

Attachment A: Loan Analysis

Attachment B: COS Loan Application Summary

Attachment C: Colorado Springs Aviation Advisory Commission Letter

Attachment D: Colorado Aeronautical Board Resolution

Attachment E: TC COS Loan Resolution

Attachment F: Roadway Development Summary and Infrastructure Maps



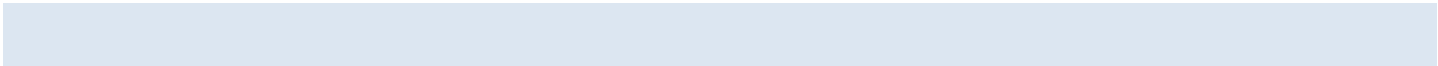
Colorado State Infrastructure Bank of Loan Request

General Information About the Sponsor:

Sponsor's Name.....	City of Colorado Springs, Colorado Springs Airport
Application date.....	12/1/2020
CO SIB Priority.....	Single
Transportation Region.....	Region 1

DRAFT

Financial Information Concerning the Sponsor:

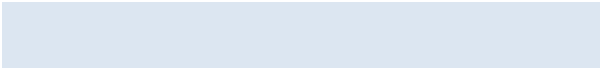


Statement of Net Assets	Statement of Revenues, Expenses and Change in Net Assets
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<table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">Cash, Investments and Receivables</td> <td style="width: 5%; text-align: right;">\$</td> <td style="width: 15%; text-align: right;">26,563,326.00</td> </tr> <tr> <td>Other Current Assets</td> <td></td> <td style="text-align: right;">796,920.00</td> </tr> <tr> <td>Total Current Assets</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">27,360,246.00</td> </tr> <tr> <td>Fixed and Other Assets</td> <td></td> <td style="text-align: right;">267,932,590.00</td> </tr> <tr> <td>Total Assets</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">295,292,836.00</td> </tr> <tr> <td>Current Liabilities</td> <td></td> <td style="text-align: right;">6,719,509.00</td> </tr> <tr> <td>Long-term Liabilities</td> <td></td> <td style="text-align: right;">17,057,879.00</td> </tr> <tr> <td>Total Liabilities</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">23,777,388.00</td> </tr> <tr> <td>Net Assets</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">271,515,448.00</td> </tr> </table>	Cash, Investments and Receivables	\$	26,563,326.00	Other Current Assets		796,920.00	Total Current Assets	\$	27,360,246.00	Fixed and Other Assets		267,932,590.00	Total Assets	\$	295,292,836.00	Current Liabilities		6,719,509.00	Long-term Liabilities		17,057,879.00	Total Liabilities	\$	23,777,388.00	Net Assets	\$	271,515,448.00	<table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">Operating Revenue</td> <td style="width: 5%; text-align: right;">\$</td> <td style="width: 15%; text-align: right;">18,064,525.00</td> </tr> <tr> <td>Operating Expense</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">15,399,781.00</td> </tr> <tr> <td>Total Operating Gain/Loss</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">2,664,744.00</td> </tr> <tr> <td>Nonoperating Revenue</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">7,906,723.00 →</td> </tr> <tr> <td>Nonoperating Expense</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">107,011.00</td> </tr> <tr> <td>Total Nonoperating Gain/Loss</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">7,799,712.00</td> </tr> <tr> <td>Grants and Capital Contributions</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">20,506,471.00</td> </tr> <tr> <td>Net Income</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">30,970,927.00</td> </tr> <tr> <td>Current Debt Service Payments</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1,538,180.00</td> </tr> <tr> <td>Future Debt Service Payments</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">2,173,138.00</td> </tr> <tr> <td>Interest Expense</td> <td></td> <td></td> </tr> <tr> <td>Depreciation Expense</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">203,082,965.00</td> </tr> </table>	Operating Revenue	\$	18,064,525.00	Operating Expense	\$	15,399,781.00	Total Operating Gain/Loss	\$	2,664,744.00	Nonoperating Revenue	\$	7,906,723.00 →	Nonoperating Expense	\$	107,011.00	Total Nonoperating Gain/Loss	\$	7,799,712.00	Grants and Capital Contributions	\$	20,506,471.00	Net Income	\$	30,970,927.00	Current Debt Service Payments	\$	1,538,180.00	Future Debt Service Payments	\$	2,173,138.00	Interest Expense			Depreciation Expense	\$	203,082,965.00
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Financial Totals:

Total Assets.....	\$	295,292,836.00
Total Liabilities.....	\$	23,777,388.00
Total Revenue.....	\$	25,971,248.00
Total Expense.....	\$	15,506,792.00



Loan Provisions:

Requested Loan Amount.....	\$	8,000,000.00
Rate of Interest on the Loan.....		2.0%
Period.....	10 Years	10
Loan Repayment Basis.....	Annual	
Beginning Payment Date.....	January 1, 2022	
Repayment Source(s).....	All Sources of Revenue	
Payment amount	\$890,612.22	

Amortization Schedule:

	Payment Due Dates	Installment	Interest	Repayment	Remaining Balance
1	January-22	\$890,612.22	\$160,000.00	\$730,612.22	7,269,387.78
2	January-23	\$890,612.22	\$145,387.76	745,224.47	6,524,163.31
3	January-24	\$890,612.22	\$130,483.27	760,128.96	5,764,034.35
4	January-25	\$890,612.22	\$115,280.69	775,331.54	4,988,702.82
5	January-26	\$890,612.22	\$99,774.06	790,838.17	4,197,864.65
6	January-27	\$890,612.22	\$83,957.29	806,654.93	3,391,209.72
7	January-28	\$890,612.22	\$67,824.19	822,788.03	2,568,421.69
8	January-29	\$890,612.22	\$51,368.43	839,243.79	1,729,177.90
9	January-30	\$890,612.22	\$34,583.56	856,028.66	873,149.24
10	January-31	\$890,612.22	\$17,462.98	873,149.24	-

10

Project Information:

Project Description.....	Public Infrastructure Development
Type of Project.....	Infrastructure Development
Total Project Cost.....	\$ 24,950,000.00
Leverage Ratio.....	0.321
% Funded by Other Sources.....	67.9%
Benefit.....	The State's support of this request will allow for public infrastructure that will create roadway and intersection efficiencies within CDOT highways, along with creating thousands of jobs that will enhance
Plan.....	Yes

Technical Approval..... Yes

Financial Analysis:

In 2006 the Airport invested more than \$20 million of construction infrastructure to include public roads, site grading, drainage, and utilities, as the initial phase of development.

In 2019 and 2020 an additional \$22 million has been committed to infrastructure and is under construction to include a CDOT intersection, additional roadways, public utilities, and extensive landscape architecture.

Approximately \$12 million will be funded through a future Peak Metropolitan District bond issuance.

This is a crucial time for the success of the Airport Peak Innovation Park and it is imperative to keep up with the demand, interests, and expectations of major developers.

As an economic engine it is anticipated Peak Innovation Park will generate an additional 5,000 jobs for the State of Colorado within the next two to three

Debt-Equity Ratios:

Long-term Debt Ratio..... 0.05777 = Long-term Liabilities divided by Total Assets

Debt-Equity Ratio..... 0.0876 = Total Liabilities divided by Total Equity

Total Debt Ratio..... 0.081 = Total Debt divided by Total Assets

December 1, 2020

Mr. David Ulane, A.A.E.

Aeronautics Director

Colorado Department of Transportation, Division of Aeronautics

5126 Front Range Parkway

Watkins, Colorado 80137

RE: 2020 SIB Loan Request

Mr. Ulane,

The Colorado Springs Airport (COS) greatly appreciates the opportunity to participate in the State Infrastructure Bank (SIB) Loan program. With our past participation in the program, the State has contributed immeasurably toward the success and development of COS and the Colorado Springs community. Without the help, support, and partnership that you have offered through these loans we could not have responded to the opportunities that have presented themselves and that have allowed the incredible progress COS has seen in the past few years.

As you're aware, Peak Innovation Park is a 900 acre innovative business park that is owned and operated by the Airport. The vision within Peak Innovation Park is to facilitate nonaeronautical investment that supports the airport and the larger community for today and for the future, with jobs and revenue for generations to come. This economic engine will dramatically improve the southeast Colorado Springs economy through job creation and quality of life for our community. Additionally, Peak creates a diversified revenue portfolio through ground leases and land transactions that provides long term financial sustainability for the Airport and Peak. We are generating new innovative ways to enhance revenues by creative land leases, shared revenue models, public improvement fees, and the creation of Peak Metropolitan District (District). As a part of the District we have taken on the responsibility of providing all public infrastructure in the business park to include public roads grading, drainage, utilities, and major intersection development, as well as all future maintenance, snow removal, and upkeep. By pre-planning main line utilities and proactively constructing those through Peak Innovation Business Park, we create site ready pads for development and significantly decrease the time it takes for developers to get operational and building occupancy.

The Airport requests the State's support and partnership through this SIB application to build public use infrastructure to generate long term financial stability through revenue generation under the Federal Aviation Administration's grant assurances and creates a significant employment center for the City and State of Colorado. This is a crucial time for the success of Peak and it is imperative to keep up with the demand, interests, and expectations of major developers. Through

your support Peak Innovation Park will not only succeed, but will also create synergy for the Colorado Springs Airport. As an economic engine it is anticipated Peak Innovation Park will generate an additional 5,000 jobs for the State of Colorado within the next two to three years.

We are very excited to have this opportunity to partner with the State and share in the success of one of the fastest growing communities and business parks in Colorado. Please feel free to reach out to me directly should you have any questions regarding Peak Innovation Business Park.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Phillips', with a long horizontal line extending to the right.

Gregory S. Phillips, A.A.E.
Director of Aviation



Airport Advisory Commission
Colorado Springs Airport
7770 Milton E. Proby Pkwy., Suite 50
Colorado Springs, CO 80916
Phone: 719.550.1900
www.flycos.com

November 18, 2020

Mr. David Ulane, Director
Division of Aeronautics
Colorado Department of Transportation
5126 Front Range Parkway
Watkins, CO 80137

RE: Colorado Springs Airport SIB Request 2020

Dear Director Ulane,

The Colorado Springs Municipal Airport (Airport) has submitted an application to the Colorado Aeronautics Board (CAB) and the Colorado Department of Transportation (CDOT) for a State Infrastructure Bank (SIB) Loan to fund \$8,000,000 of Airport infrastructure improvements in support of the Peak Innovation Business Park (The Business Park). The Colorado Springs Municipal Airport Advisory Commission ("The AAC"), has been fully briefed during our public meetings regarding: 1) The rationale for submitting the SIB loan application at this time, 2) Planned utilization of the SIB Loan proceeds, and 3) the Airport's SIB loan repayment plan. ["It is important to note that all of the Airport's current SIB loans are completely funded and covered by airline Passenger Facility Charges (PFC)."¹]

The AAC agrees with the Airport's assertion that The Business Park projects are valid public infrastructure requirements and that timely completion of the projects will contribute to the long-term financial stability of the Airport. The SIB loan repayment plan as briefed appears sound. The Commission is also convinced that continued expansion of The Business Park will positively contribute to overall economic development within Colorado Springs, El Paso County, and the State of Colorado.

The AAC unanimously supports the Airport's 2020 SIB Loan Request, and solicits the State's continued support and partnership with the Airport through approval of the pending SIB Loan Request.

Regards,



John C Maier Jr

Chair

Colorado Springs Municipal Airport Advisory Commission

1. Colorado Springs Airport SIB Request, October 2020.



COLORADO

Aeronautical Board

Resolution 2021-01

RECOMMENDATION TO APPROVE THE AVIATION SIB APPLICATION DATED DECEMBER 3, 2020 SUBMITTED BY THE CITY OF COLORADO SPRINGS FOR THE COLORADO SPRINGS AIRPORT

WHEREAS, The Colorado State Infrastructure Bank (hereinafter referred to as the "SIB") is an investment bank at the state level with the ability to make loans to public and private entities, for the formation of public transportation projects within the state; and

WHEREAS, The General Assembly has passed legislation that made certain provisions for the Bank and established within the Bank a highway account, a transit account, an aviation account, and a rail account; and

WHEREAS, The Transportation Commission has adopted rules, pursuant to 43-1-113.5, CRS, regarding the SIB; and

WHEREAS, The City of Colorado Springs has requested a loan from the SIB in the amount of \$8,000,000.00 for an eligible transportation project as described in Rule III, section 2, 2CCR 605-1, specifically infrastructure development at the Colorado Springs Airport's Peak Innovation Business Park.

WHEREAS, The Colorado Department of Transportation has adopted the SIB Procedure through Procedural Directive ("PD") 720.1 as revised February 10, 2015 ("PD 720.1"); and

WHEREAS, PD 720.1 Section V.1.O requires that the Colorado Aeronautical Board ("CAB") evaluate the technical, non-financial aspects of an aviation SIB loan application and shall approve a resolution recommending or not recommending approval by the Transportation Commission; and

WHEREAS, CRS 43-10-105 describes the duties of the CAB which, among other things, includes the establishment of policies for the growth and development of aviation in the state; and CRS 43-10-103 created the Division and, among other things, tasked the Division with promoting aviation safety and education; and CRS 43-10-101 declares a need to promote the safe operation of aviation in the state and identifies that improvement of general aviation and aviation facilities in the state promotes diversified economic development across the state; and

WHEREAS, the CAB recognizes and acknowledges this particular project's benefit to both the Colorado Springs Airport and the region's overall economic success. Notably, the business park provides ever-increasing non-aeronautical revenue to the airport, which induces lower aeronautical rates and charges, in turn facilitating strong air carrier and other aviation activity and growth. This project is particularly aligned with the Economic Sustainability Goal outlined in the Division's 2020 Colorado State Aviation System Plan (CASP), with aspects aligning in some way with each of the four goals of the CASP.

NOW, THEREFORE BE IT RESOLVED, The Colorado Aeronautical Board hereby formally recommends Transportation Commission approval of the aviation SIB loan application submitted by the City of Colorado Springs for the Colorado Springs Airport dated December 3, 2020 for the purposes generally described in the application.

Passed this 9th day of December 2020.



Robert Olislagers, Chair
Colorado Aeronautical Board



Attest
David R. Ulane, Director
Colorado Department of Transportation,
Division of Aeronautics

Peak Innovation Park
Sources & Uses of Funds
CY2021-2023

Proposed Infrastructure Projects:	Infrastructure Budget
Roadways (1)	\$11,115,360
Integration Loop Phase 2 - Two Thru Lanes with Center Turn Lane	\$2,535,000
Integration Loop East - Two Thru Lanes with Center Turn Lane	\$487,500
Round-About at Integration Loop/Peak Innovation Parkway - Similar to North Roundabout	
Intersection Improvements at Peak Innovation Parkway/South Powers Blvd - Accel/Decel Lane, Median Reconstruction (Lengthening), Existing Utility Relocation, Storm Drainage	\$2,000,000
Internal Streets within Office Tract - Two Thru Lanes with Center Turn Lane	\$1,033,500
Internal Streets within Mixed-Use Tract - Two Thru Lanes with Onstreet Parking	\$1,957,460
Internal Streets within Retail Tract - Two Thru Lanes	\$1,901,900
Street Lighting for all New Roadways - CSU Standard Poles and Fixtures on Integration Loop, Peak Standard on other Roadways	\$750,000
Traffic Signalization	
Traffic Signal - Peak Innovation Parkway/South Powers Blvd	\$450,000

Notes:

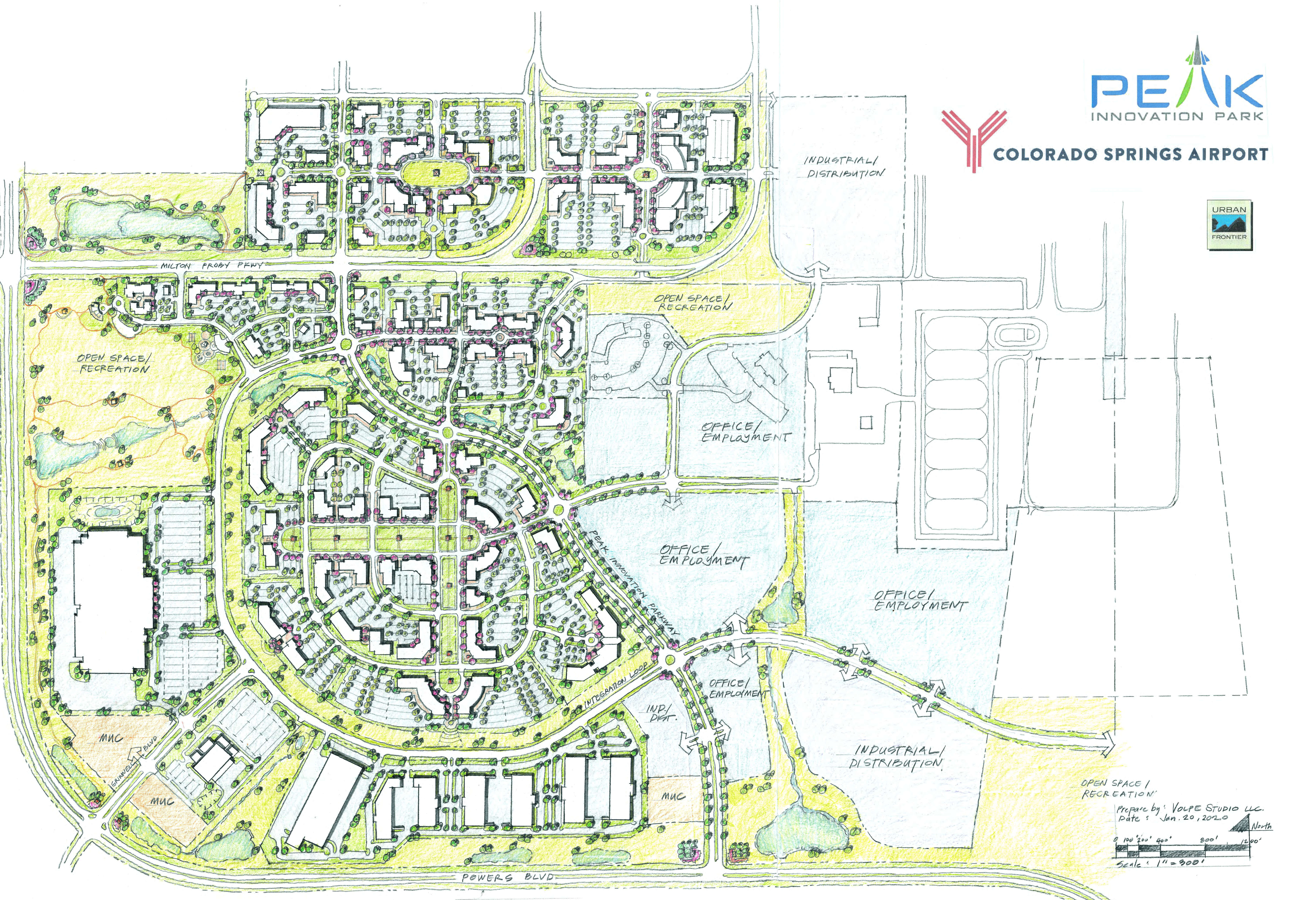
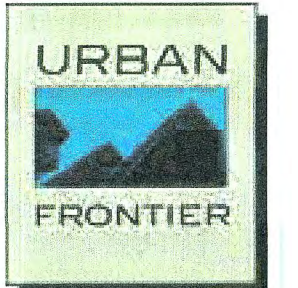
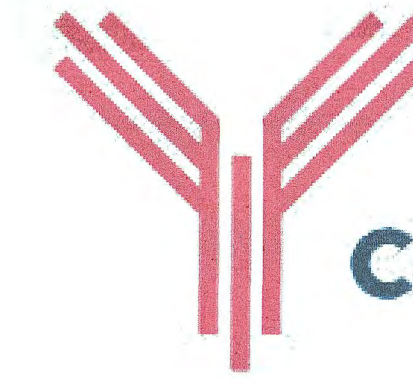
(1) Roadway Improvements Include:

Soft Costs -

- Engineering
- Permits & Fees
- Surveying
- Testing & Inspection

Hard Costs -

- Contractor General Conditions & Fee
- Bonds & Insurance
- Use Tax
- Clearing and Stockpiling of Topsoil
- Mass Grading and Erosion Control
- Overexcavation and Recompaction of Roadbed
- Aggregate Base Course per Geotech
- Asphalt Paving per Geotech
- Curb & Gutter
- Crossspans/Aprons/Handicap Ramps at Building Site Entries
- Dry Utility Sleeving for Electrical, Telephone, Street Lighting, Irrigation
- Regulatory Signage and Striping
- Sidewalk Grade Preparation and Concrete Placement
- Street Lighting
- Fine Grading at Curbs and Sidewalks

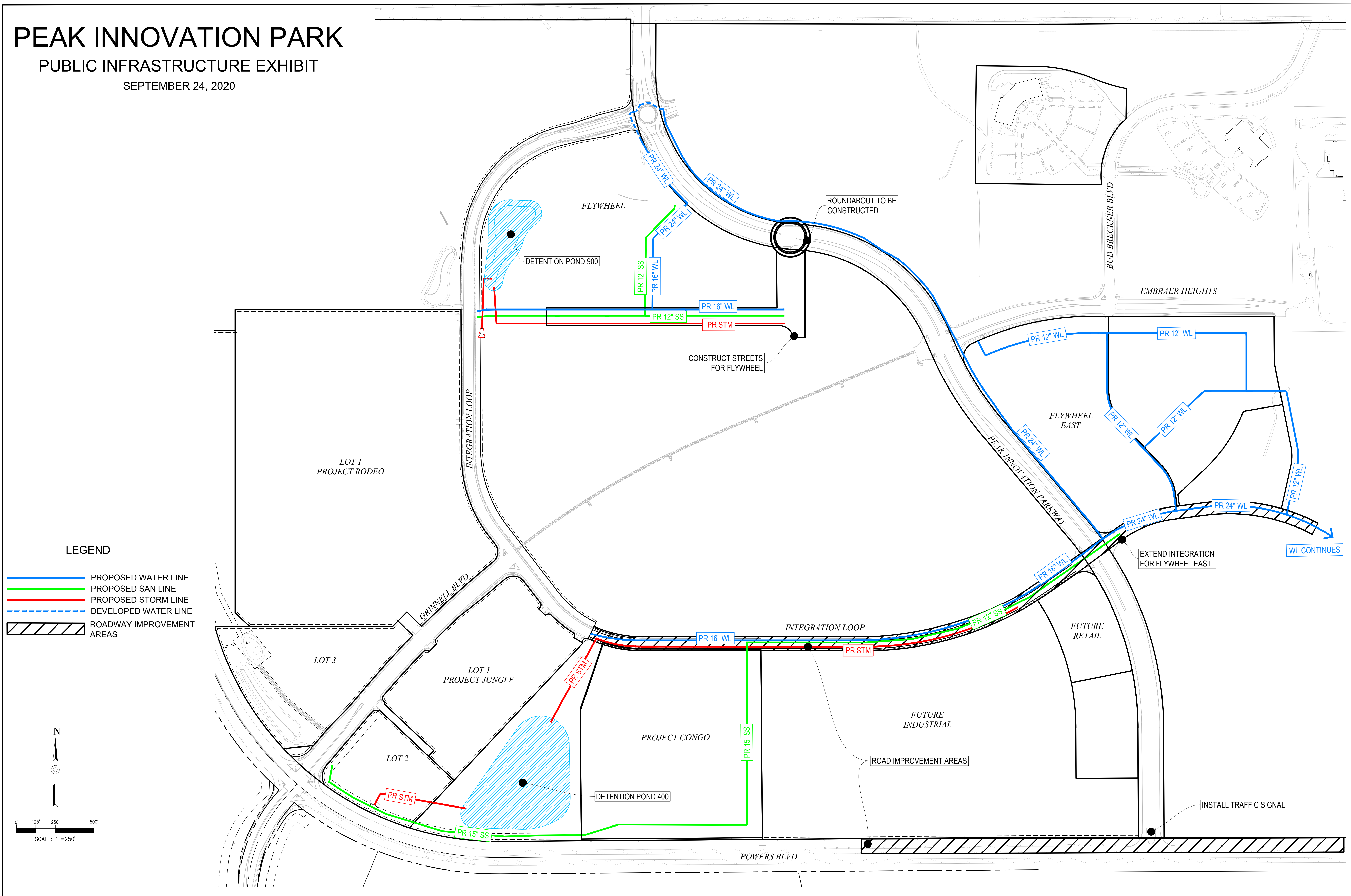


OPEN SPACE / RECREATION
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Date: Jan. 20, 2020
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PEAK INNOVATION PARK

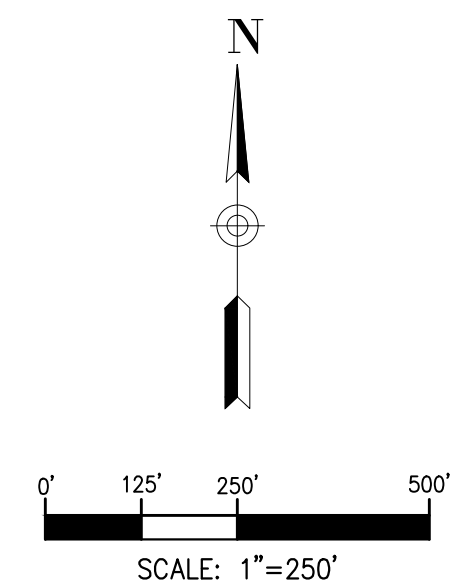
PUBLIC INFRASTRUCTURE EXHIBIT

SEPTEMBER 24, 2020

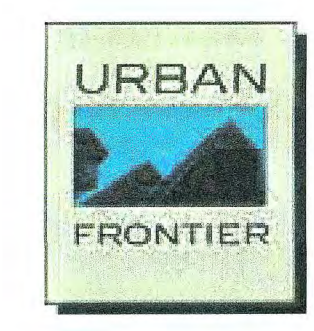
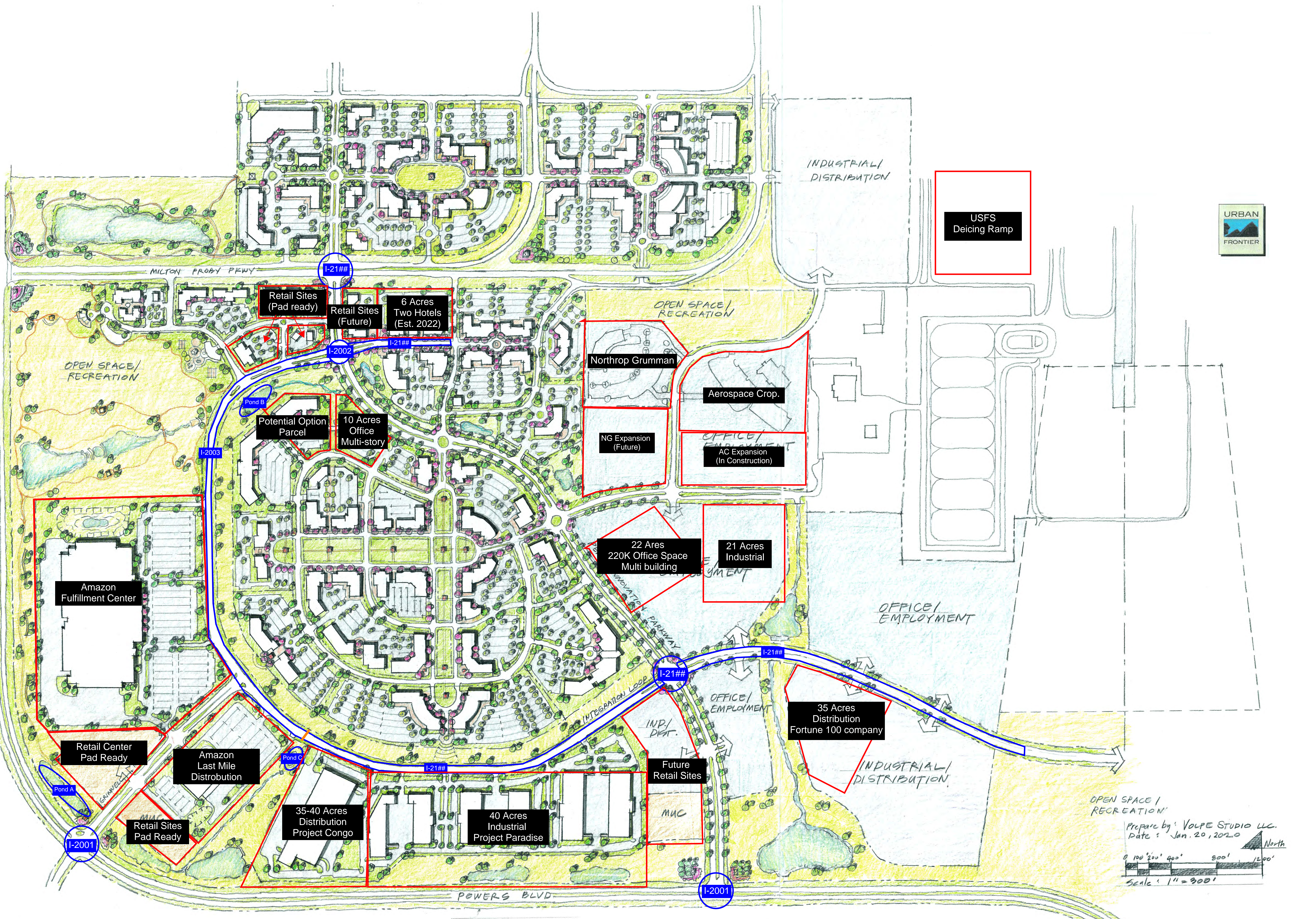


LEGEND

- PROPOSED WATER LINE
- PROPOSED SAN LINE
- PROPOSED STORM LINE
- DEVELOPED WATER LINE
- ROADWAY IMPROVEMENT AREAS



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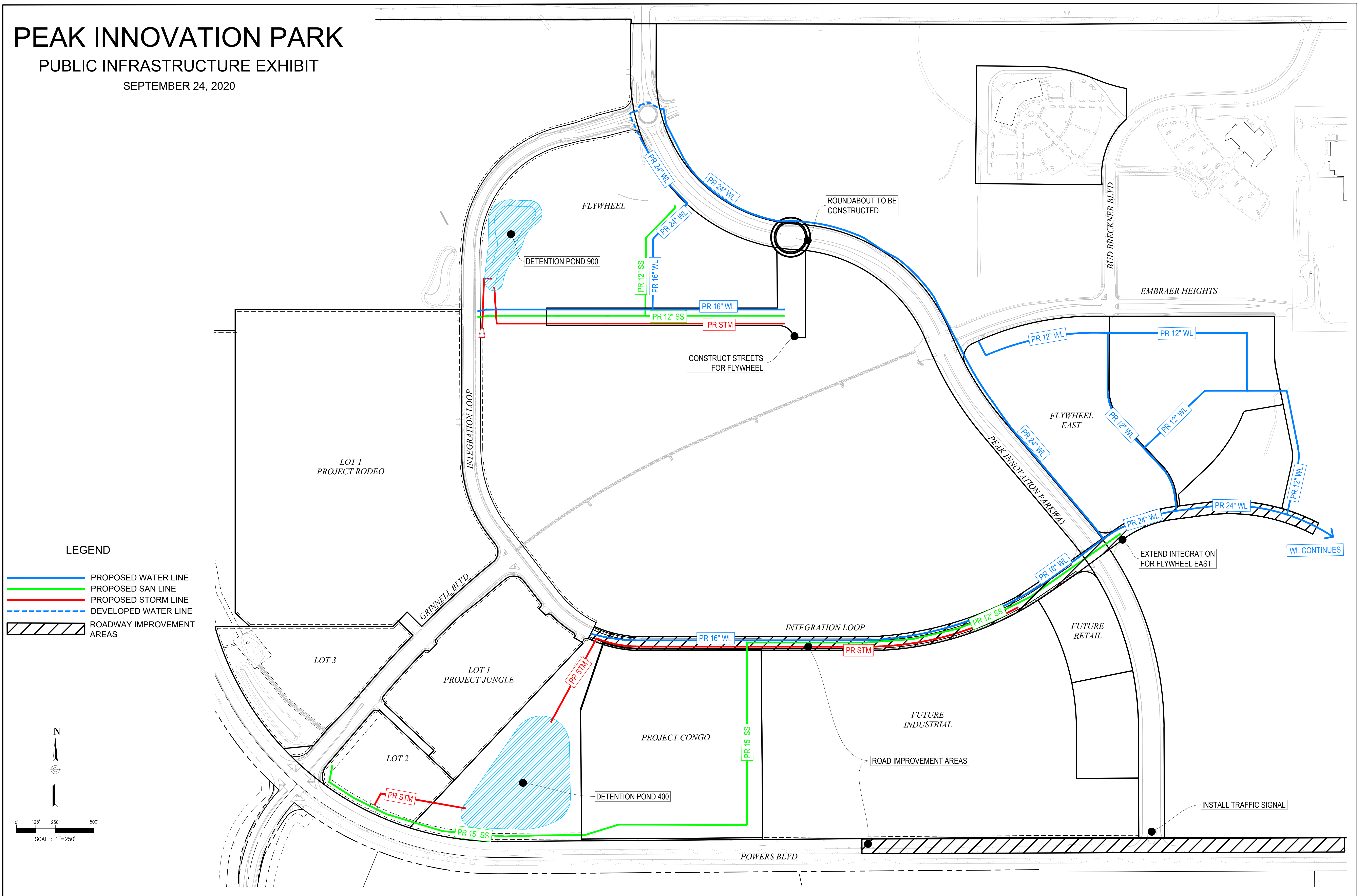


OPEN SPACE / RECREATION
 Prepare by: VOLPE STUDIO LLC
 Date: Jan. 20, 2020
 Scale: 1" = 300'

PEAK INNOVATION PARK

PUBLIC INFRASTRUCTURE EXHIBIT

SEPTEMBER 24, 2020



LEGEND

- PROPOSED WATER LINE
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COLORADO
Department of Transportation
Division of Transportation Development

Performance and Asset Management Branch
2829 W. Howard Place, 4th Floor
Denver, CO 80204-2305

MEMORANDUM

DATE: Jan. 20, 2021
TO: Transportation Commission
FROM: Herman Stockinger, Deputy Executive Director and OPR Director
Rebecca White, Division of Transportation Development Director (“DTD”)
Toby Manthey, Asset Management Analyst, DTD
SUBJECT: Adopting Policy Directive 1609.0 — “Transportation Asset Management”

Purpose

This memorandum summarizes a new policy directive that describes the structure, key functions and principles of the Transportation Asset Management (TAM) program at the Colorado Department of Transportation (“CDOT” or the “Department”).

Action

To pass a resolution adopting the New Policy Directive 1609.0 — “Transportation Asset Management”.

Background

CDOT’s TAM program, which has been developed in conjunction with the Transportation Commission (“Commission”), has lacked its own policy or procedural directives since formation in 2012. This policy directive was created to signal support for the program and to ensure that the program remains consistent and transparent by enshrining its principles, structure, and key functions into policy.

Details

PD 1609.0 provides a high-level description of CDOT’s TAM program, including key definitions, principles, requirements for asset classes, a list of the program’s asset classes, key program functions, and citations of related CDOT policy directives. The directive also describes federal asset management requirements and related federal legislation.

The directive begins with key definitions and a description of the purpose of asset management which is “to achieve and sustain a state of good repair for Department assets over their life cycles at a minimum practicable cost.”¹ The directive emphasizes the program’s importance in achieving CDOT’s mission.

¹ *This approach aligns with the purpose of asset management in 23 CFR 515.9.*

The TAM program maintains 12 asset classes (e.g., bridges, pavement, culverts). As noted in the directive, the addition or removal of an asset must be approved by the Commission. The directive lists the current assets in the program. In addition, the directive outlines the requirements for these classes. For example, classes must maintain an inventory, performance metrics, performance targets, an asset model to forecast condition, and more.

The directive continues by outlining key functions of the TAM program, including developing planning budgets and a four-year program of asset treatments (e.g., asset replacements, rehabilitations, preventive maintenance activities, etc.). The directive outlines a brief development and approval process for each of these functions. As noted in the directive, the Commission ultimately adopts the planning budgets for the assets by resolution.

The directive then cites other key policy directives that guide the TAM program:

- PD 14.0 contains a list of the primary performance metrics and targets for the 12 asset classes.
- PD 1905.0 includes direction on CDOT's risk and resiliency efforts, including as it pertains to asset management.
- PD 703.0 describes processes related to approving final asset management program budgets and budget changes to asset management projects.

Finally, the directive recognizes several federal requirements that the TAM program helps meet. CDOT must comply with the Federal Highway Administration's (FHWA) requirements for National Performance Metrics for pavement and bridge assets. This directive notes that the federal performance metrics and targets apply to Interstate and non-Interstate National Highway System (NHS) pavement, and to bridges on the NHS. The directive also lists requirements for Transportation Asset Management Plans as stated in 23 CFR § 515. CDOT's most recent plan was approved by FHWA in 2019.

Next Steps

Staff is developing a comprehensive companion procedural directive that describes the TAM program's practices and procedures in greater detail.

Staff will continue to execute the policies outlined in PD 1609.0 by developing planning budgets, developing and approving treatment lists, meeting federal requirements for transportation asset management programs, and otherwise maintaining the TAM program.

Attachments

- Attachment A: Policy Directive 1609.0 "Transportation Asset Management"
- Attachment B: Policy Directive 1609.0 Briefing Presentation

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Transportation Asset Management		1609.0
Effective	Supersedes New	Originating Office Division of Transportation Development/Transportation Asset Management Program

I. PURPOSE

The purpose of this policy directive is to describe the structure, key functions and principles of the Transportation Asset Management (TAM) program at the Colorado Department of Transportation (“CDOT” or the “Department”). The directive also defines key terms used in the program.

II. AUTHORITY

§ 43-1-106(8)(a), C.R.S. Colorado Transportation Commission (“Commission”)

23 CFR § 515, *Asset Management Plans*

23 CFR § 490, *National Performance Management Measures*

III. APPLICABILITY

This policy directive applies to all CDOT employees and to all Asset Classes within the TAM program.

IV. DEFINITIONS

“Asset” means a physical object that is part of CDOT’s infrastructure; for example, a road, bridge, culvert, tunnel, or wall.

“Asset Class” generally means a set of fixed assets having similar characteristics and attributes that differentiate them from other assets by kind, type, or function. There are twelve (12) asset classes in CDOT’s TAM program. “Asset class” can also refer to a program whose activities maintain other infrastructure (e.g., Geohazards or Maintenance Levels of Service).¹

“Asset Management” refers to a strategic and systematic process of operating, maintaining, upgrading, and replacing physical assets effectively throughout their life cycle. It focuses on business and engineering practices for resource allocation and utilization, with the objective of better decision making based upon quality information and well-defined objectives.²

“Planning Budget” refers to the budget levels planned for each asset in future years, before they become actual budgets. These levels are typically set four years in advance.

“Transportation Asset Management Cap (“TAM Cap”)” means the sum of the annual planning budgets for all assets in the TAM program.

“Transportation Asset Management Plan (“TAMP”)” refers to a document required by the Federal Highway Administration (“FHWA”) that includes asset performance measures, a financial plan, and other elements as described in federal law and regulation. The TAMP is designed to help improve or preserve the condition and performance of assets on the highway system.

“Transportation Asset Management (“TAM”) program” means a specific collection of CDOT asset programs that meet established criteria and help manage CDOT’s critical

¹ CDOT’s Maintenance Levels of Service (MLOS) program is considered an asset class due to the close relationship of maintenance activities and the condition of pavement, bridges and other assets. The program also helps fund the replacement of maintenance assets such as signs, striping, delineators and fencing. Similarly, the Geohazards program funds activities that protect other assets, such as pavement, while also maintaining geohazards assets such as rockfall fencing.

² This passage is based on a definition from the American Association of State Highway and Transportation Officials.

infrastructure assets. The program is coordinated by CDOT's Division of Transportation Development ("DTD"). Individual asset classes are managed by various work units throughout the Department.

V. POLICY

A. CDOT TAM Principles and Purpose

The purpose of asset management is "to achieve and sustain a state of good repair for Department assets over their life cycles at a minimum practicable cost."³ This approach assists CDOT in pursuing its mission by maintaining assets comprising the transportation system, ensuring the system is effective and safe.

The asset-management program focuses on maintenance, asset preservation and replacement. The program does not fund projects that increase the capacity of Colorado's transportation system.

B. Requirements for Asset Classes

Asset Classes in the TAM program must meet criteria including the following:

1. Each Asset Class must maintain an inventory of its assets.
2. Each Asset Class must maintain a performance metric (e.g., "Good," "Fair" and "Poor" condition ratings for bridges, or letter grades for buildings and rest areas.)
3. Each Asset Class must provide a target for their performance metric.
4. Each Asset Class must maintain an asset management system. These systems should have, at minimum, the ability to forecast condition; the ability to inform the selection of a performance target; and the ability to minimize the cost in achieving that performance target by recommending treatments or activities.
5. Each Asset Class must be able to distinguish annual maintenance activities, capital preservation, replacement activities, and expansion projects. Asset Classes should only fund annual maintenance, capital preservation and replacement activities.

C. Asset Classes in the TAM program:

The Commission has approved 12 Asset Classes in the TAM program and shall give final approval to the addition or removal of any Asset Class from the program. The 12 asset classes include:

³ This approach aligns with the purpose of asset management in 23 CFR 515.9.

1. Bridges
2. Buildings
3. Culverts
4. Geohazards
5. Intelligent Transportation Systems (“ITS”)
6. Maintenance Levels of Service (“MLOS”)
7. Pavement
8. Rest Areas
9. Road Equipment (Fleet)
10. Signals
11. Tunnels
12. Walls

D. Establishing TAM Planning Budgets and Approving Treatment Lists

Primary functions of the TAM program include establishing the following:

1. TAM Cap:
 - a. The total dollars dedicated to the TAM program for a given fiscal year. Typically set four years in advance.
2. Planning Budget:
 - a. The portion of the TAM Cap allocated for each Asset Class. Typically set four years in advance.
3. Treatment lists:
 - a. Each Asset Class in the TAM program, except for MLOS, develops an annual list of treatments (e.g., asset replacements or rehabilitations). Treatments are typically submitted four years in advance and ultimately become standalone projects or are bundled by staff into projects that may encompass multiple treatments.

Both the TAM Cap and the planning budgets are developed by staff and adopted by resolution of the Commission. Treatment lists are developed by staff and are approved by CDOT executive management. The TAM Cap, Planning Budgets, and treatment lists are typically set four years in advance to provide predictability to CDOT’s Transportation Regions and to construction stakeholders. Knowing the Planning Budgets four years in advance gives CDOT staff the time to plan, develop, and design projects, so that when the year arrives for construction funding to be allocated, projects are ready to be delivered.

The Commission supports CDOT's adherence to a procedural directive that outlines how the TAM Cap and the planning budgets are developed, and how treatment lists are approved and modified.

E. Asset Performance Metrics

1. The Commission has adopted PD 14.0 ("Policy Guiding Statewide Plan Goals & Objectives") to measure the success of the Department's efforts to improve in asset management and other goal areas. Performance targets for each Asset Class in the TAM program can be found in Appendix A of PD 14.0. The performance targets help implement the Statewide Transportation Plan by focusing transportation investments in the Statewide Transportation Improvement Program (STIP) and the annual budget.

F. Federal Asset Management Requirements

1. National Performance Measures for National Highway System ("NHS") pavement and bridge assets.

CDOT must comply with federal requirements (see 23 CFR § 490) to track and periodically report performance measures for NHS pavement and bridges and to periodically set targets for those measures. These metrics include:

- a. The percentage of Interstate pavements in good condition, and the percentage in poor condition.
- b. The percentage of non-Interstate NHS pavement in good condition, and the percentage in poor condition.
- c. The percentage of NHS bridge deck area in good condition, and the percentage in poor condition.

States not meeting minimum condition levels for the bridge metrics, and the pavement metrics for Interstates, face penalties regarding their use of federal transportation funds, such as National Highway Performance Program funds.

2. Transportation Asset Management Plan (TAMP).

CDOT must comply with federal requirements (see 23 CFR § 515) to produce a Transportation Asset Management Plan (TAMP) or face penalties regarding the Department's use of National Highway

Performance Program funds. The plan must include a summary listing of NHS pavement and bridge assets in Colorado, regardless of ownership. The plan must span at least 10 years and must include investment strategies, a financial plan, and other elements described in federal code. The Federal Highway Administration (FHWA) requires the plans to be updated at least every four years.

G. Risk Policy Directive

For a description of CDOT’s approach to risk, including for asset management, see Policy Directive 1905.0—*Building Resilience into Transportation Infrastructure and Operations*.

H. Approving Final Asset Management Budgets and Project Changes

For processes related to approving final⁴ asset management program budgets and budget changes to asset management projects, see Policy Directive 703.0—*Annual Budget, Project Budgeting, and Cash Management Principles*.

VI. DOCUMENTS RELEVANT TO OR REFERENCED IN THIS POLICY DIRECTIVE

Policy Directive 14.0—*Policy Guiding Statewide Plan Goals & Objectives*

Policy Directive 703.0—*Annual Budget, Project Budgeting, and Cash Management Principles*

Policy Directive 1905.0—*Building Resilience into Transportation Infrastructure and Operations*

23 CFR § 515—*Asset Management Plans*

23 CFR § 490—*National Performance Management Measures*

VII. IMPLEMENTATION PLAN

This Policy Directive shall be effective upon signature.

⁴ “Planning” budgets for asset management programs are adopted by the Commission, as mentioned earlier in this directive (1906.0). Planning budgets do not become final budgets for those programs until approved by the Commission as part of CDOT’s Annual Budget.

The Office of Policy and Government Relations shall post this Policy Directive on CDOT's intranet as well as on public announcements.

VII. REVIEW DATE

This directive shall be reviewed on or before January 2026.

Herman Stockinger
Transportation Commission Secretary

Date of Approval



COLORADO

Department of Transportation

Transportation Asset Management Policy Directive 1609.0

Rebecca White/Toby Manthey
Page 40 of 258
Jan. 20, 2021



CDOT's TAM Program

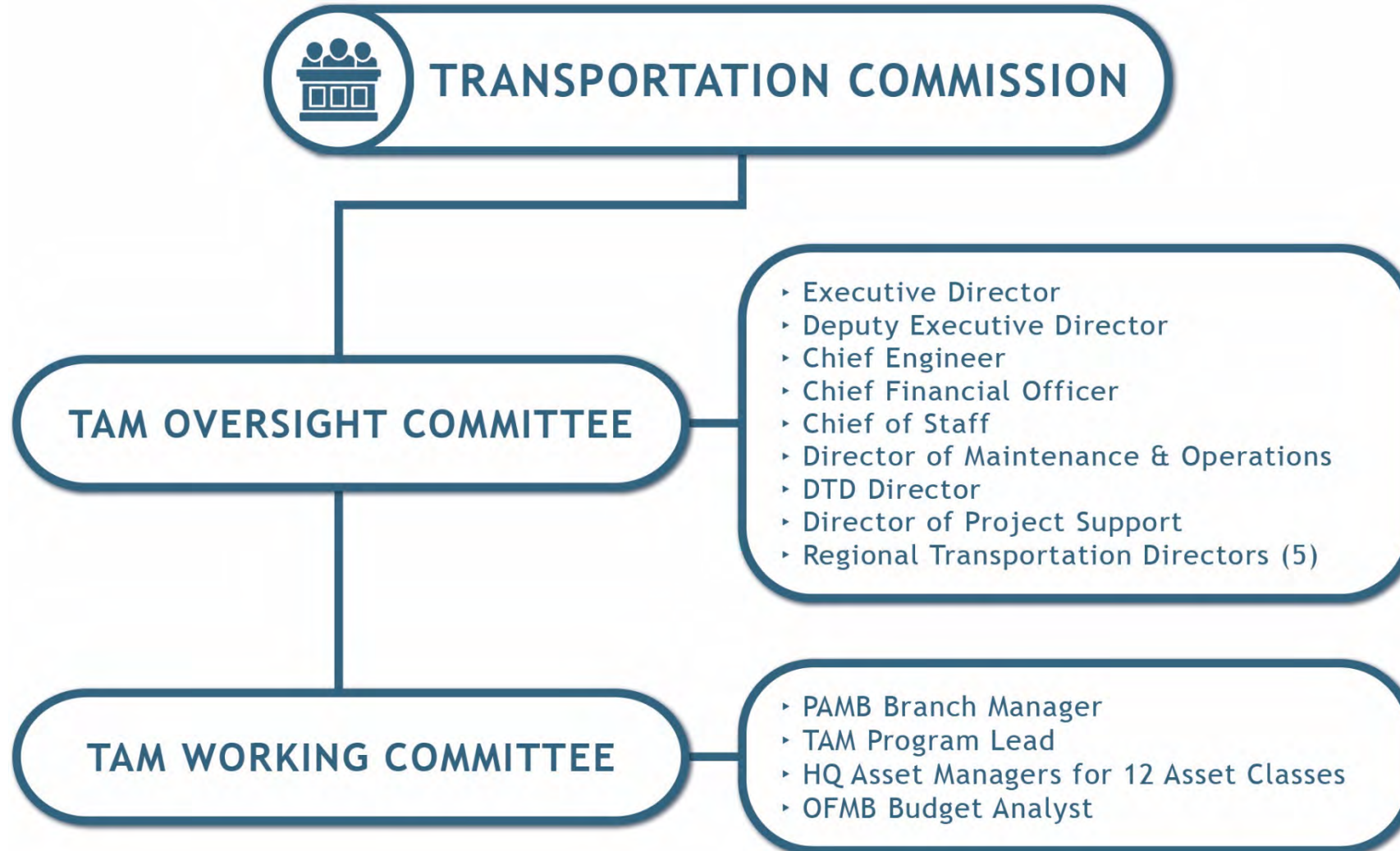
Transportation Asset Management (TAM) Program

- Created in 2012.
- Absorbed asset programs with dedicated annual funding allocation (e.g., pavement, bridge, maintenance, ITS) and combined with other classes that typically requested ad hoc funding from the Transportation Commission.

12 Asset Classes

- Pavement
- Bridges
- Maintenance
- Intelligent Transportation Systems (ITS)
- Road Equipment
- Buildings
- Culverts
- Tunnels
- Geohazards
- Walls
- Traffic Signals
- Rest Areas







Why a Policy Directive?

- Signifies support for program developed jointly by staff and TC, starting in 2012.
- Documents **existing** TAM program principles, structure and functions—not new program elements.
- Defines key terms.
- Recognizes federal asset management requirements (e.g., performance metrics, asset management plan, etc.)
- Links to other directives related to asset management.



- PD 1609.0 defines key terms for the TAM program:
 - Asset
 - Asset class
 - Planning budget
 - Transportation Asset Management Cap
 - Transportation Asset Management Plan (TAMP)
 - Transportation Asset Management (TAM) Program



Planning Budget

- Refers to the budget levels planned for each asset in future years, before actual budgets are approved. Planning budgets are typically set four years in advance.

TAM Cap

- The sum of the annual planning budgets for all assets in the TAM program. The total funding dedicated to the TAM program each year.





- Section A: CDOT TAM Principles and Purpose
 - The purpose of asset management is to achieve and sustain a state of good repair for Department assets over their life cycles at a minimum practicable cost.
- Section B lists requirements for asset classes
 - Each Asset Class must maintain an inventory.
 - Each Asset Class must maintain a performance metric (e.g., “Good,” “Fair” and “Poor” condition ratings for bridges.)
 - Each Asset Class must provide a performance target.
 - Each Asset Class must maintain an asset management system/model.
 - Each Asset Class must be able to distinguish annual maintenance activities, preservation activities, replacement projects, and expansion projects. Expansion projects are not funded through the TAM program.
- Section C lists asset classes in the TAM Program





TAM Budgets and Treatment Lists

- Primary functions of the TAM program include establishing:
 - TAM Cap
 - Planning Budget
 - Treatment lists:
 - Each Asset Class in the TAM program develops an annual treatment list. Treatments are typically submitted four years in advance and ultimately become standalone projects or are bundled by staff into projects that may encompass multiple treatments.





Federal Requirements and Performance Metrics

- CDOT must track and periodically report to FHWA performance measures for NHS pavement and bridges and to periodically set targets for those measures. These metrics include:
 - % Interstate pavement in good condition and poor condition.
 - % non-Interstate NHS pavement in good condition and poor condition.
 - % NHS bridge deck area in good condition and poor condition.





Transportation Asset Management Plan Summary

- CDOT must comply with federal requirements to produce a Transportation Asset Management Plan (TAMP)
 - Must include a summary listing of National Highway System (NHS) pavement and bridge assets in Colorado, regardless of ownership.
 - Must span at least 10 years and include investment strategies and a financial plan.
 - Must include a life-cycle analysis and a risk management analysis.
 - Updated at least every four years.
 - CDOT's plan approved in 2019.





Relevant Documents

- Policy Directive 14.0—Policy Guiding Statewide Plan Goals & Objectives.
- Policy Directive 1905.0—Building Resilience into Transportation Infrastructure and Operations
- Policy Directive 703.0—Annual Budget, Project Budgeting and Cash Management Principles
- 23 CFR § 515—Asset Management Plans
- 23 CFR § 490—National Performance Management Measures



- Adopt Policy Directive 1609.0
- Develop companion procedural directive to further document staff processes and procedures.





Questions?



COLORADO
Department of
Transportation

2829 W. Howard Place 4th Floor
Denver, CO 80204

DATE: January 20, 2021
TO: Colorado Transportation Commission
FROM: Aaron Willis, Transportation Planner, Division of Transportation Development
SUBJECT: Discussion on Revision to CDOT's Interchange Approval Process

Purpose

To provide an overview for the Transportation Commission on proposed revisions to the Department's interchange approval process and outreach conducted to statewide planning partners.

Action

Informational Update

Background

Earlier this year staff began a process to update and refine the Department's policies and procedures used to approve new interchanges and interchange modifications on the state highway system. While a large part of the proposed revisions are administrative and clarifying in nature, a new Transportation Demand Management (TDM) requirement is proposed. For this reason, the CDOT team has spent several months seeking input on this proposed change.

Planning Partners Conversations

To date, the staff has presented the draft policy to the following planning partners. Last month the TC received a memo summarizing the input we have received from this outreach.

- Staff from all 5 Metropolitan Planning Organizations
- Metro Area Transportation Management Associations/Organizations (TMAs/TMOs)
- The cities of Aurora and Westminster
- Jefferson, El Paso, and Douglas Counties
- North Front Range, Pikes Peak, DRCOG and Pueblo MPO Technical Advisory Committees
- Upper Front Range Transportation Planning Region
- Consultants who are currently working on interchange projects

Overarching Theme of the New TDM Requirement

The new TDM requirement is intended to help preserve the overall functionality and operability of the state highway system and serves as an additional tool to help the Department remain consistent with the Governor's Green House Gas reduction goals. The new TDM section emphasizes the benefits TDM can lend toward maximizing the existing transportation infrastructure and reducing vehicle miles traveled through strategies like increased transit, mobility hubs, ridesharing, walking, biking, and telework to reduce reliance on single-occupant vehicle usage. The revisions to the policy and procedural directive provide an applicant with a TDM scorecard and a target point system based on the type and location of the proposed improvement, in order to develop a project-specific TDM plan that will be included in the Systems Level Study.

Key Provisions in the Current Draft TDM Requirements Section

- TDM requirements apply to new interchange proposals on the interstate and state highway system. TDM strategies also apply to interchange modifications on the interstate system under certain circumstances.
- The TDM requirement does not apply to minor interchange modification proposals
- TDM strategies should result in a 3% or greater ADT reduction in MPO Boundary Areas and a 1% or greater ADT reduction for proposals outside MPO Boundary Areas.
- The applicant may appeal to the Chief Engineer for a waiver or reduction of the required TDM strategies.
- CDOT recognizes that TDM strategies can be challenging to implement in parts of the state with low population density and that are rural in nature. The policy and procedural directive include provisions for rural areas that allow for the implementation of strategies at a corridor level.
- The procedural directive identifies numerous strategies that will help an applicant achieve the stated goal for the proposed interchange improvement.
- The agreed-upon TDM strategies will be included in the final interchange approval IGA.

Next Steps

Staff will take the month of February to perform additional outreach, follow-up, and discussions with planning partners and will return to the Commission in March for potential action.

Attachments

PowerPoint Presentation



COLORADO
Department of Transportation

1601 Interchange Approval Process

Colorado Transportation Commission

January 2021

Aaron Willis, Division of Transportation Development



What is Policy Directive (PD) 1601?

- The 1601 policy and procedural directive outline the guiding principles and steps necessary to approve a new interchange or interchange modification on the interstate, freeway, or state highway system.
- Applies to CDOT and Local applicants – applicants are responsible for interchange maintenance in perpetuity
- Each proposal is different based on the complexity of the project, thus a need for a consistent process



Policy Directive (PD) 1601 Purpose

- Preserve the state highway system's Level of Service (LOS) and operations
- Ensure fair and consistent consideration of proposals for new & existing interchanges
- Have sufficient information for CDOT to make an informed decision
- Minimize duplicative analytical, regulatory, and procedural requirements



Interchange Improvement Types

- Type 1 – New Interchanges on the Interstate and Freeway system
 - These are approved by the Transportation Commission
- Type 2 – New interchanges on the remaining state highway system and modifications to interchanges
 - These are approved by the Chief Engineer
- Type 2a – Minor modifications to interchanges, which do not require a system level analysis
 - These can be delegated by the Chief Engineer for approval to the Regional Transportation Director



1601 Process Overview Steps

1. Notification by applicant
2. Pre-application meeting
3. Initial intergovernmental agreement (IGA)
4. Prepare a System Level Study (SLS)
5. CDOT Approval of SLS
6. Approval by MPO/TPR Board (consistent with constrained RTP and TIP)
7. Conceptual design and National Environmental Policy Act (NEPA) approval process
8. Final IGA



Key Policy Changes

Key Revisions	Department Implications
Updated FHWA Interstate Access Request	Staff and applicant workload and cost benefit
Project Milestones	Additional clarity
IGA Requirements	Streamlined requirement for staff
Access Management Clarity	Strengthens the policy and addresses long-term system functionality
Transportation Demand Management (TDM) Requirement	Transportation Demand Management / Traffic Reduction strategies are required for new Type 1 and Type 2 proposals



Outreach to CDOT Planning Partners

- Staff at all 5 Metropolitan Planning Organizations
- Metro Area Transportation Management Associations/Organizations
- The cities of Aurora and Westminster
- Jefferson, El Paso, and Douglas Counties
- North Front Range, Pikes Peak, DRCOG and Pueblo MPO Technical Advisory Committees
- Upper Front Range Transportation Planning Region
- Consultants who are currently working on interchange projects



Why a TDM Requirement?

- Department policies can help to preserve new infrastructure investment
- Policies can help make new infrastructure ready for TDM strategies
- CDOT should seek every opportunity to promote multimodal options
- Ensure CDOT policies are consistent with the Governor's GHG emissions reduction and help meet Climate Action Plan goals
- VMT reduction through the implementation of alternative modes of travel



Colorado Daily Commuter Participation 2015

Means of Getting to Work	Participants
Carpooling (2 to 4 Occupants)	233,000
Telecommuting/Working from Home	172,000
Transit (Local/Regional)	82,400
Walking	76,100
Bicycling	34,200
Vanpooling	9,700
Intercity Transit (long-distance)	300
Park-and-Ride Lots	Including above



TDM Success Stories

- RTD's Alameda Station Pilot Project completed in August 2014, specifically designed for residents who want to use transit.
- Private shuttles carry 1,300 riders daily to Cripple Creek and at least 400 riders daily to Black Hawk/Central City.
- The Boulder Junction TOD development will create up to 300 residential units, with perhaps another 600 persons living near a light rail station.
- The TDM mitigation plan for the US 36 corridor Express Lanes project exceeded expectations, reducing vehicle miles traveled by an estimated 12,500 per day.



TDM Section Progress Key Elements

TDM Section Overview:

- Preserve the overall functionality and operability of the state highway system
- Applicant will use a TDM scorecard to hit target goals and develop a TDM project specific plan to include in the SLS

TDM requirements apply to:

- Type 1: New interchange on the interstate
- Type 2: New interchange on the rest of the system
 - Requirements do not apply to Type 2a interchange modifications
- TDM commitments will be captured in the final IGA



- TDM strategies should result in:
 - a 3% or greater ADT reduction in MPO Areas
 - a 1% or greater ADT reduction outside MPO Areas
- The trip reduction goal applies to traffic volumes for the new interchange ramps as identified in the systems level study.
- The reduction threshold goal is calculated from the opening day of the new facility, or 5-years if the TDM strategies are implemented on a phased schedule



TDM Exemption

- It is the discretion of the Chief Engineer as to if TDM strategies are required for interchange applications based on factors such as changes in land use and future traffic volumes.
- That determination will be made based on the following factors:
 - Freight / Intermodal Facility
 - Existing TDM sufficient to address future demand
 - Rural areas considerations



TDM Improvement Scoring Range

Interchange Improvement Type	MPO Boundary Area / Rural Area	Scoring Range
Type 1 (New Interchange / Interstate System)	MPO Boundary Area	100-80
Type 1 (New Interchange / Interstate System)	Rural Area	80-60
Type 2 (New Interchange / State Highway System)	MPO Boundary Area	80-50
Type 2 (New Interchange / State Highway System)	Rural Area	60-40
Type 2 Modification (Interstate System)	MPO Boundary Area	70-50



TDM Strategy Scorecard

TDM Strategies	Points	Time Commitment of Strategy
Multimodal Hubs	80	5 Years
Shuttles, Feeders, and Paratransit (public or privately operated)	80	5 Years
Vanpool Programs	80	5 Years
Mixed-use Development	80	Maintenance in perpetuity
Intercity Transit	80	5 Years
Comprehensive ITS Solution	80	Maintenance in perpetuity



TDM Strategy Scorecard (60-50 Points)

Parking Management	60	10 Years
Bus Only Lanes, Queue Jumps, Bus Slip Ramps	60	Maintenance in perpetuity
Local Transit	60	5 Years
Park-and-Ride Lots	50	Maintenance in perpetuity
Creation of a TMA or TMO or financial participation in an existing TMO or TMA that would implement the TDM strategies	50	3-5 Years



TDM Strategy Scorecard (50-40 Points)

Bicycle and Pedestrian Facilities	40	Maintenance in perpetuity
Regional Ridesharing Programs - including carpool matching)	40	5 Years
Car-sharing	40	5 Years
Micro-Mobility Sharing Programs - including bike-sharing, scooter-sharing, and E-bikes	40	3 Years
Transit Service Upgrades	40	Maintenance in perpetuity



Project Specific TDM Plan

- The applicant is expected to put forth a good-faith effort in developing a project-specific TDM plan that includes the following elements:
 - Explanation of the strategies
 - How the strategies will function within the context of the proposed new interchange improvement
 - Implementation schedule
 - Ensure improvements do not detract or serve as a replacement from existing TDM strategies



Project Specific TDM Plan (2)

- Analysis of how the proposed TDM strategies will achieve the stated goal. This analysis can be performed through traffic modeling or a reasonable estimate developed by a traffic engineer.
- An estimated cost for the proposed TDM strategies
- Marketing or promotion strategies for the proposed TDM improvements
- Discussion on TDM strategies during construction if appropriate
- Identification of responsible parties and partner organizations for TDM implementation and include any agreements in the final IGA
- Project evaluation after one year



Results from Planning Partner Discussions

Planning Partner Comments	CDOT Response
<p>Apply TDM requirements to interchange modifications on the interstate system in MPO boundary areas.</p>	<p>The current draft broadens the TDM requirement to include interchange modifications.</p>
<p>Consider traffic reduction at a larger scale that could adjacent or parallel facilities or at a corridor level.</p>	<p>Staff has addressed this for rural areas in certain circumstances and added clarity to the list of strategies that consider adjacent facilities</p>
<p>Provide additional clarity for TDM reductions or exemptions</p>	<p>Wavier/reduction for TDM requirements if interchange serves a freight transfer or intermodal facility</p> <p>Sufficient functioning TDM strategies already in place able to reduce future traffic at the interchange location</p> <p>Rural considerations</p>



Results from Planning Partner Discussions

Planning Partner Comments	CDOT Response
Rural areas are both inside and outside MPO boundary areas where TDM strategies are more difficult to implement due to low population densities.	Staff has developed a rural area considerations section that provides alternatives for rural area interchange proposals
Add time durations for TDM strategies.	Time commitment durations have been added to the TDM strategy table



Questions?



COLORADO
Department of Transportation
Office of Policy and Government Relations

2829 W. Howard Place
Denver, CO 80204-2305

DATE: January 20, 2021
TO: Transportation Commission
FROM: Herman Stockinger
SUBJECT: Legislative Joint Budget Committee Presentation

Purpose

To provide the presentation Director Lew and other senior staff presented to the Joint Budget Committee on January 5, 2021.

Action

Information only.

Background

Each year, the CDOT Executive Director and Chief Financial Officer, along with our Transportation Commission Chair and other senior staff (including our Chief Engineer this year) make a formal presentation to the General Assembly's Joint Budget Committee. The presentation is a mix of requested material from JBC members themselves, and information the department wishes to provide to the JBC. Director Lew thought it would be beneficial for the Transportation Commission to receive the same presentation.

Next Steps

None.

Attachments

JBC Presentation PowerPoint





COLORADO
Department of Transportation

Joint Budget Committee January 5, 2021



Presenters

Shoshana Lew : Executive Director

Karen Stuart: Chair, Transportation Commission

Jeff Sudimeier: Chief Financial Officer

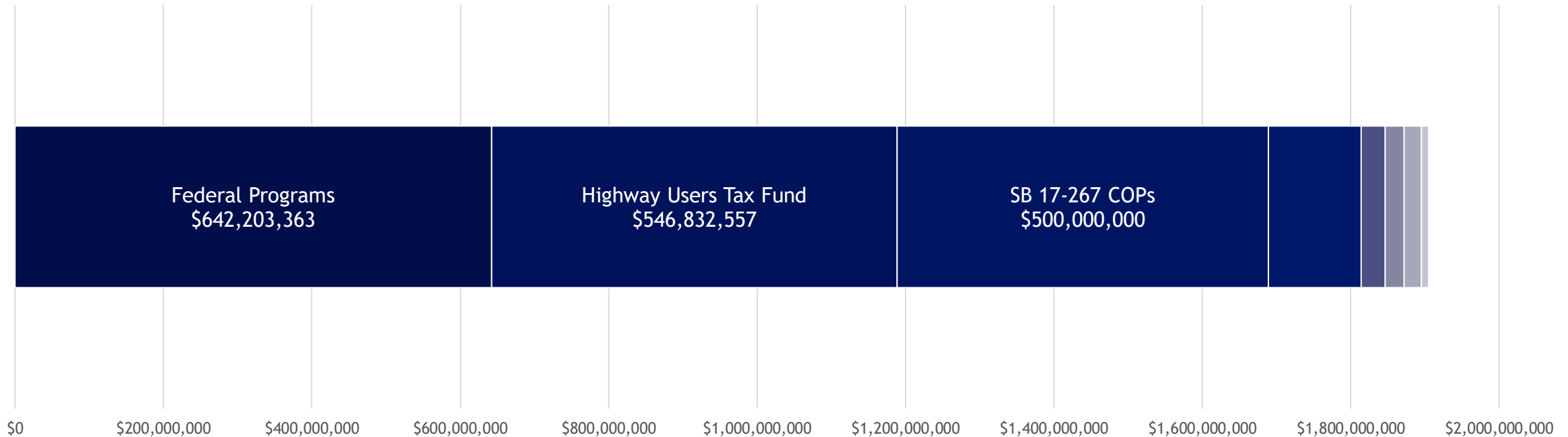
Stephen Harelson: Chief Engineer



CDOT's Budget



FY 2021-22 Sources of Revenue

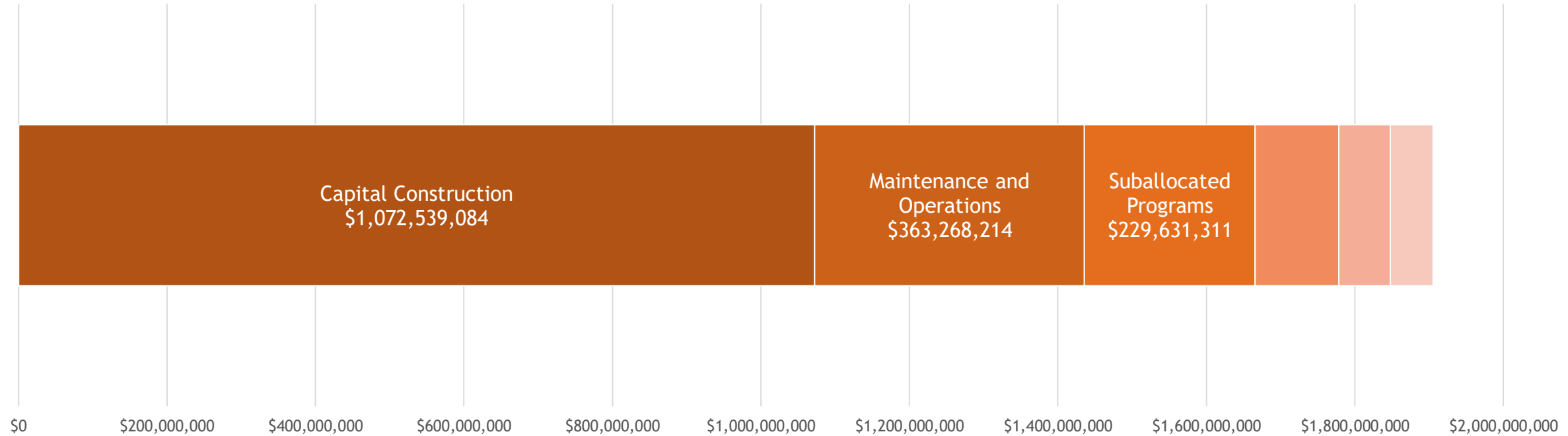


- Bridge Enterprise - \$125,414,441
- Miscellaneous - \$31,856,809
- Aeronautics - \$25,999,999
- High Performance Transportation Enterprise - \$22,845,717
- Multimodal, State Safety Education, Capital Construction Fund, State Infrastructure Bank - \$9,942,000

**Total -
\$1,905,094,886**



FY 2021-22 Uses of Revenue



- Administration & Agency Operations - \$112,989,257
- Multimodal Services - \$69,539,270
- Other Programs, Debt Service, Contingency - \$57,127,849

**Total -
\$1,905,094,886**

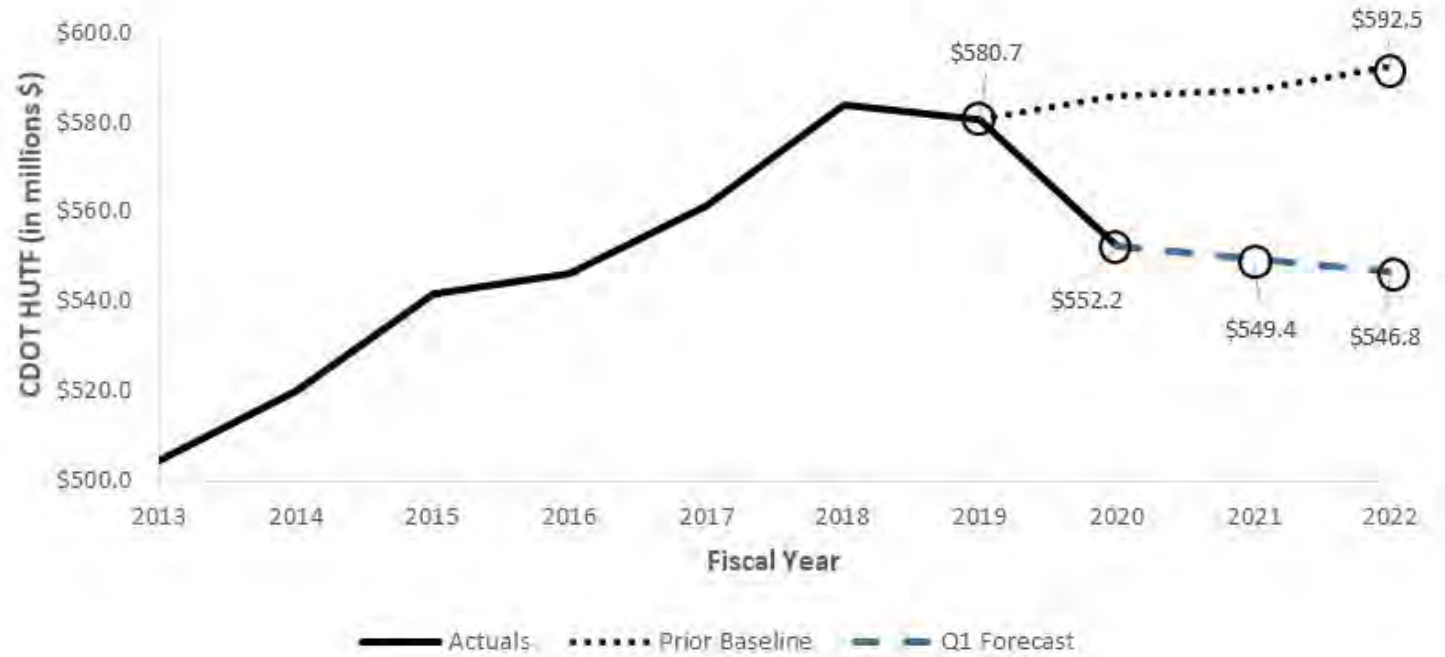


FY 2021-22 Revenue Forecast

The FY 2021-22 Annual Budget is balanced using the September 2020 HUTF revenue forecast, which reflects a budget shortfall of \$45.7 million relative to revenue that was forecasted for FY 2021-22 prior to the COVID-19 pandemic.

CDOT HUTF Forecast (FY 21 Q1)

Q1 Forecast & Prior Baseline
FY 13 - FY 22 (in millions \$)



	Pre-COVID Forecast	CDOT September Forecast	Shortfall
FY 2019-20	\$586.0	\$552.3	(\$33.7)
FY 2020-21	\$587.00	\$549.4	(\$37.6)
FY 2021-22	\$592.5	\$546.8	(\$45.7)



This bill made several changes to CDOT's General Fund revenue and debt service payments, including:

- Suspending annual General Fund transfer of \$50 million for FY 2020-21 and FY 2021-22
- Increased by \$12 million (to a total of \$62 million) CDOT's portion of SB 17-267 debt service for FY 2020-21 and FY 2021-22



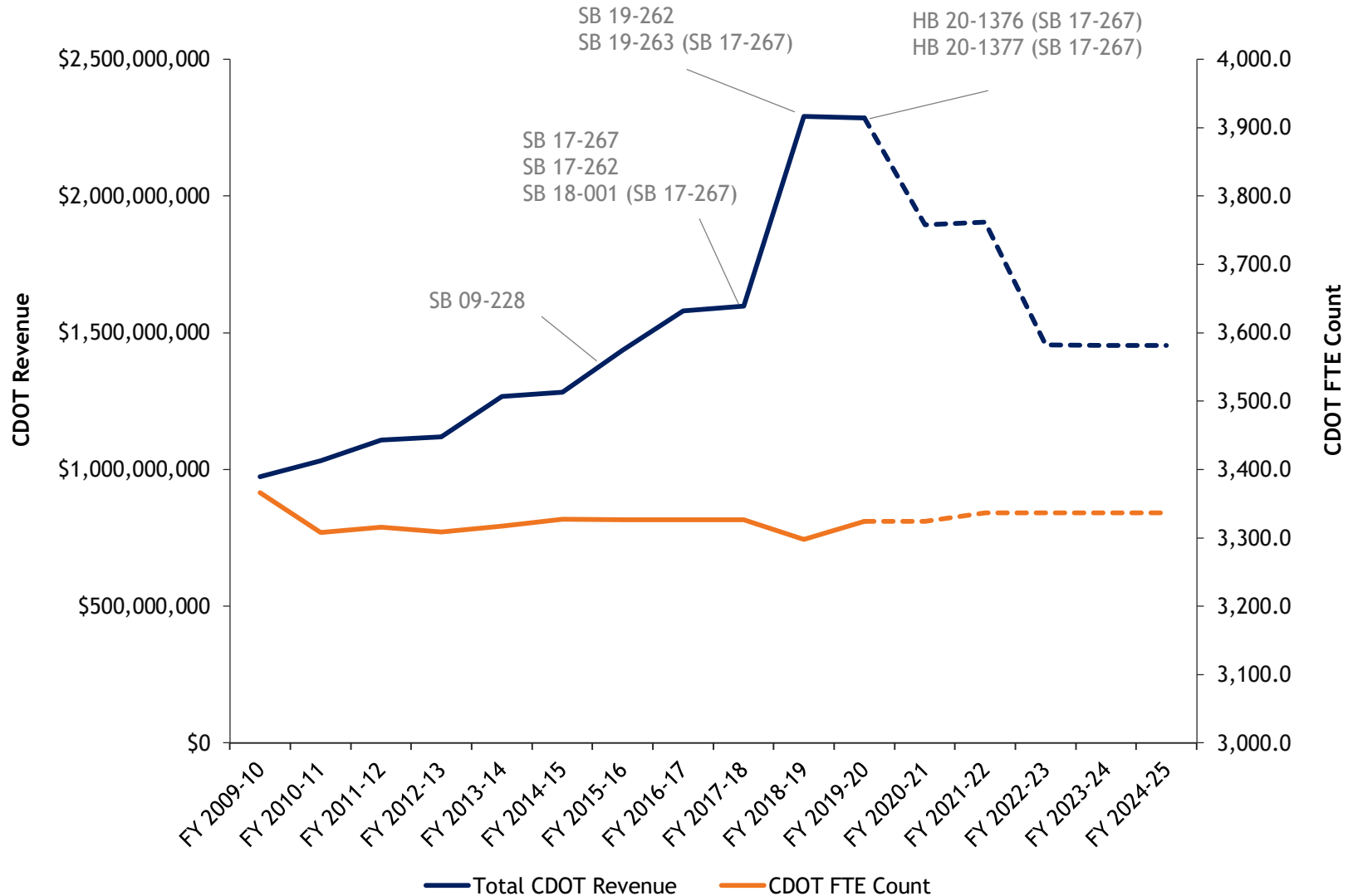
CDOT Budget Reductions

The Transportation Commission approved several budget reductions in FY 21 response to declining revenues caused by the pandemic. Some reductions carried forward into FY'22.

Item Description	Amount
Surplus Debt Service	\$21.5
Cancelled Defeasance of Building COPs	\$20.8
Roll Forward Reversions	\$16.2
Program Review - Discretionary Programs	\$4.4
Division Reductions	\$2.2
TOTAL	\$65.1 million



CDOT Budget History





Proposed Stimulus Funding

Shovel Ready Projects

EJMT repairs



Denver Metro West I-70 Bridges



Shovel ready rural road rehabilitation and maintenance in tourism corridors and scenic byways



Wildlife migration corridor enhancements



Revitalizing Main Streets

The Revitalizing Main Streets program supports projects that provide open spaces for mobility, community activities, and economic development in the wake of the pandemic.

As of December, 2020, CDOT awarded \$2,692,674 in 63 grants to communities across the state.





Safer Main Streets

Safer Main Streets Grant Program

- Developed to support infrastructure projects that improve safety and accessibility along urban arterials.
- 30 projects from across the Denver metro area selected to date
- 83% include or are near existing transit
- 65% are on or along state highways
- \$83M total project leverage from \$58M investment, including local match





Federal COVID Relief & FY21 THUD



Federal COVID Relief & FY21 THUD

Legislation established a **\$900 billion** COVID relief package and a **\$1.4 trillion FY 2021** omnibus appropriations package (including the FY 2021 Transportation and Housing and Urban Development—or THUD—bill) and various other pieces. :

- **\$10 billion** for surface transportation based on FAST Act obligation limitation
 - \$9,840,057,332 for Surface Transportation Block Grant Program (STBGP) - more on this in next slide
 - Remaining funds for Tribal Transportation Program, Puerto Rico Highway Program, and Territorial Highway Program
- About 14 percent of highway funds are sub-allocated only to localities over 200,000 in population
- **\$2 Billion** for airports and airport concessionaires
- **\$15 Billion** for mass transit that will distributed using FTA formulas



FY21 Federal Appropriations

Highway Bridge and STBGP Supplemental Funds Contained in FY21 Appropriations

- STBG should expect to see another \$8.75M distributed
- Colorado will receive at least \$6M in additional Bridge funds and could receive more based on a formula of Colorado's poor bridge deck area as it relates to the national total poor deck area.
 - In the previous allocation last year CDOT only qualified for the minimum, so CDOT will likely get only the \$6M
- These funds will require the normal state/local match, or utilize toll credits
- These funds do not have the same provision for maintenance, salaries or operations as the COVID stimulus package
- Scenic Byway and Competitive grant funding. \$16M and \$50M nationally, but no distribution methodology provided. Anticipate competitive applications will be required.

Taken together, these two provisions (COVID Relief and FY 21 Supplemental Funds) would provide Colorado approximately \$150M.



CDOT Resiliency Planning



CDOT Resiliency Planning

Resilience is the ability to keep our roads open and functional in the face of unexpected events and challenges

The I-70 Risk and Resilience Pilot, completed in late 2017, is a first-of-its kind approach, quantifies risks along the 450 miles of I-70 from the Utah border in the west to the Kansas border



In 2018, the Transportation Commission adopted Policy Directive 1905.0, which directs CDOT to support state resilience goals by incorporating resilience in strategic decisions about transportation assets and operations.

STRUCID	Asset	Threat	REPT	ENDRFPT	ROUTE	REGION	Owner Risk	User Risk	Total Risk	Criticality	Condition
F-12-Y	Bridge	Flood	205.1	205.1	070A	3	3080	14799	17879	24	Good
F-12-X	Bridge	Flood	205.1	205.1	070A	3	3080	14799	17879	24	Good
F-12-AN	Bridge	Flood	192.42	192.42	070A	3	1769	18057	19826	26	Good
F-12-AQ	Bridge	Flood	193.65	193.65	070A	3	2992	18057	21049	26	Fair
F-12-AP	Bridge	Flood	193.27	193.27	070A	3	1899	18057	19956	26	Fair
F-12-AK	Bridge	Flood	190.81	190.81	070A	3	1049	18057	19106	26	Fair
F-12-AL	Bridge	Flood	191.02	191.02	070A	3	1760	18057	19817	26	Fair
F-12-AM	Bridge	Flood	191.83	191.83	070A	3	1261	18057	19318	26	Good

Eisenhower Johnson Memorial Tunnels



- Approximately \$100 to \$150M needed to address unmet asset management needs
- Applying for a federal grant for \$2.5M toward \$4M needed to replace the generators (original from 1970s) in the tunnels.
 - The tunnels currently rely upon two, natural gas 500 kw/hour generators for emergency backup power.

Avalanche mitigation on Loveland pass

- The new system is safer and reduces road closures that affect heavy ski traffic in the area.
- Fewer technicians are required to conduct mitigation, allowing more CDOT employees to focus on plowing and conducting other essential activities in the Summit County area.
- The new Avalanche Guard equipment will not affect the existing Gazex avalanche control system on US 6 Loveland Pass, which is located further north.





Central 70 Update





Central 70 Currently

58.6% complete overall (99.6% design completion and 51.8% construction complete) thru September 2020.

Project continues to be on budget and on track to be largely complete by the end of 2022.

Contractor and CDOT negotiated with railroad to mitigate project delays.



Central 70 Workforce Highlights

On the Job Training

- ✓ Goal: 200,000 Hours
- ✓ Hours Achieved: 177,255 (through 9/2020)
- ✓ OJT/Apprentice Graduates: 18

Local Hire

- ✓ Goal: 760,000 Hours
- ✓ Hours Achieved: 650,257 total hours
- ✓ Local craft workforce: 24%
- ✓ Owner Operators/Working Owners from local zip codes: 57

Subcontractors on Central 70

552 Total Subcontractors

432 Total Colorado Based Subcontractors on Central 70:

\$233,580,036 paid to Colorado Firms (To Date)

33 Prime Colorado Based Firms with substantial contract values

Total Contract Value \$274,809,261

135 Colorado Based DBE Firms

\$75,020,106.00 paid to Colorado DBE Firms (To Date)

11 Prime Colorado Based DBE Firms with substantial contract Values

Total contract value \$78,649,344



Efficiency/Accountability



A Continuing Culture of Accountability

CDOT believes it's essential to be clear with taxpayers about where their dollars are going.



Surface treatment, bridge rehabilitation, and guardrail improvement project on US 50 in Fremont county

In 2020:

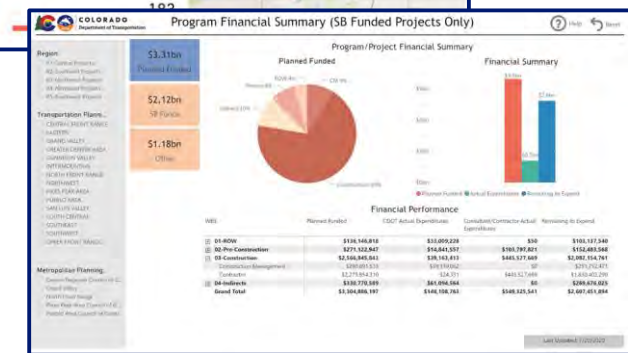
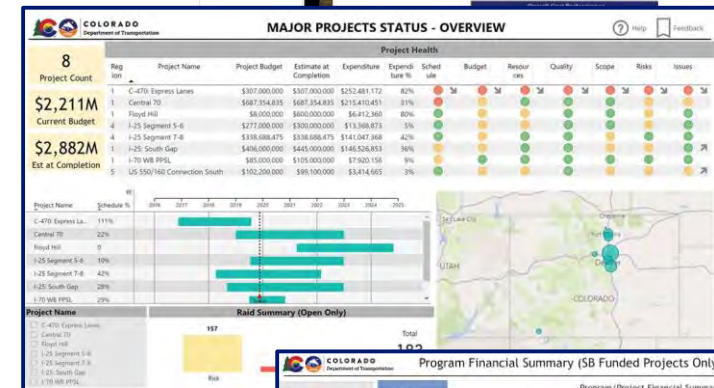
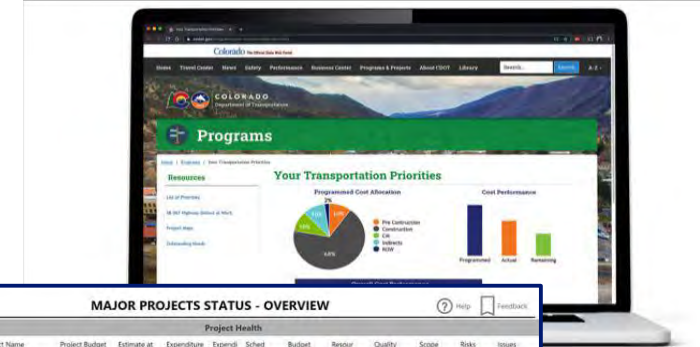
- Major changes to budget practices, and realization of cost savings department wide.
- Set up project dashboard to show the budgets on different projects so everyone can see where the dollars are going.
- Taken additional measures to tighten controls on purchasing to reduce risk and increase efficiency of spending.
- Addressing contracting and ensuring transparency in bid process.



Efficiency and Accountability

Just as important as establishing a project pipeline is creating **transparency and accountability structures** that let the public see the progress on projects and how dollars are being spent.

- **Increasing project transparency** through public reporting and dashboards on project management and project costs.
- **Setting new spending targets** to maximize dollars on transportation improvements that people can see.
- **Doubling down on project management** using best practices and new tools to tighten financial and project controls to clearly show expenses that track multiple years.
- Spending every dollar – across the department – as wisely as possible by **cutting discretionary costs** within CDOT.



<https://www.codot.gov/programs/your-transportation-priorities/projects-funded>



Efficiency and Accountability

Significant Cost Savings

In FY 20, CDOT identified nearly **\$25 million in cost savings** and program reductions, including repurposing funds previously invested in costly non-core initiatives.

In FY 21, CDOT reverted more than **\$16 million** in operating budgets from savings in FY 20, and further reduced FY 21 operating budgets by \$2 million.

CDOT **reduced our Administration budget**, excluding common policy, **by 5.8% in FY 21**. Many of these reductions are carried forward in our Draft FY 22 budget, including **another 5.5%** reduction in our Administration budget, excluding common policy.

Capital construction indirect expenditures are down nearly 7% over the last year and **down 28% in FY 21 Q1** versus the same quarter last year.



A recent project on CO 69 from Westcliffe to Hillside in Custer County resurfaced almost 13 miles, including critical bridge repairs and safety improvements (December 2020.) [Page 103 of 258](#)



Contracting Information



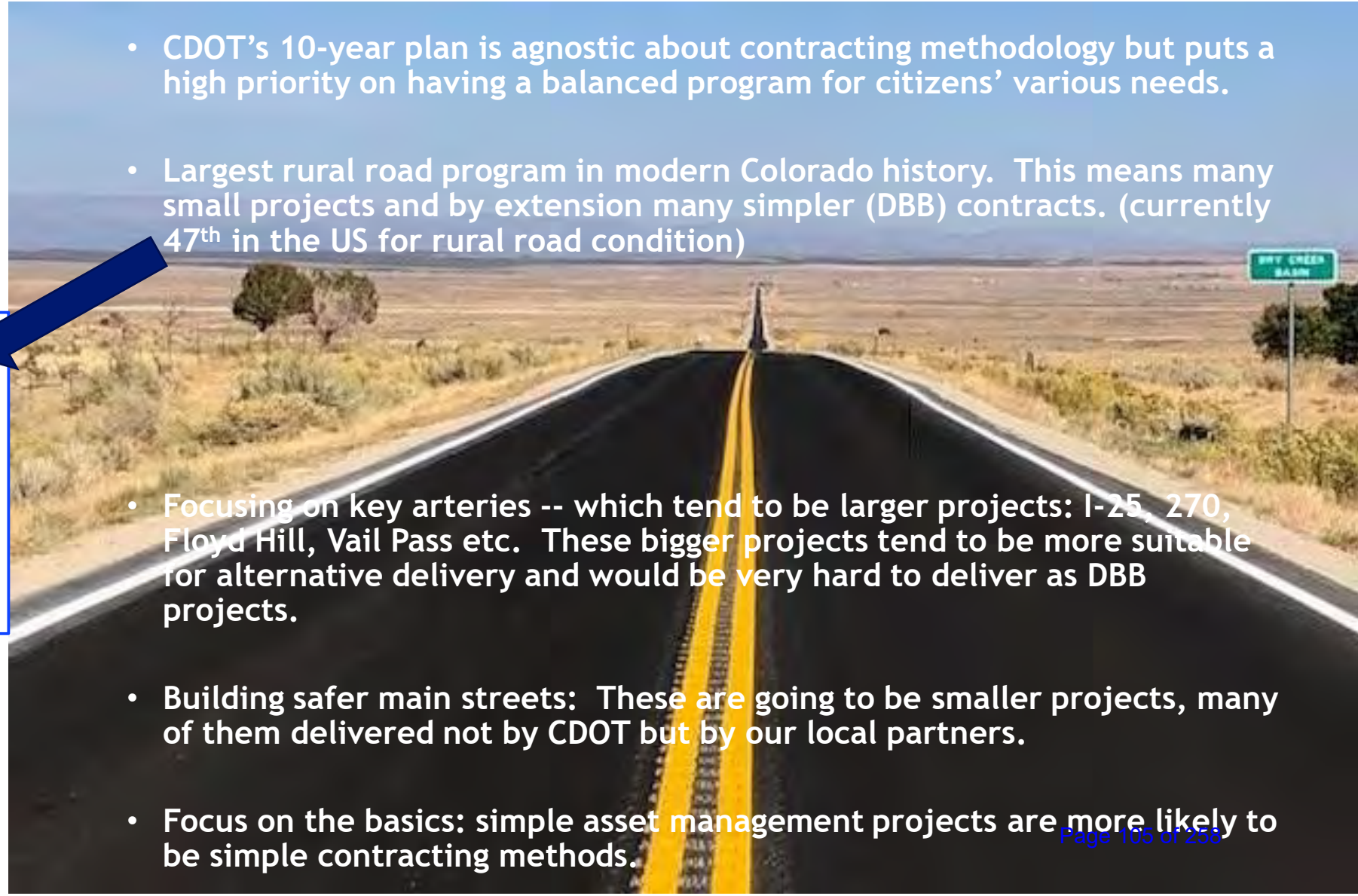
A Balanced Program

Delivering quality for all Coloradans

Rural Road Program:

- \$337M dedicated to rural road pavement
- 41 rural road projects
- Improve more than 500 miles of rural roads statewide

- CDOT's 10-year plan is agnostic about contracting methodology but puts a high priority on having a balanced program for citizens' various needs.
- Largest rural road program in modern Colorado history. This means many small projects and by extension many simpler (DBB) contracts. (currently 47th in the US for rural road condition)
- Focusing on key arteries -- which tend to be larger projects: I-25, 270, Floyd Hill, Vail Pass etc. These bigger projects tend to be more suitable for alternative delivery and would be very hard to deliver as DBB projects.
- Building safer main streets: These are going to be smaller projects, many of them delivered not by CDOT but by our local partners.
- Focus on the basics: simple asset management projects are more likely to be simple contracting methods.





Demystifying Alternative Delivery

- Federal Highway Administration encourages these methods and allow for different forms of “risk sharing”, which makes the contractor accountable for the design component as well as for building it.
- In order to serve the public interest, CDOT does not focus on any certain contractor’s specialty, but instead identifies projects, large and small, that serve the needs of all Coloradans.





What is Alternative Delivery?

- Alternative delivery is a method of including design and construction work within the same contract, as opposed to the design being separate from the construction contract.
- Two major types: Design Build and Construction Manager/General Contractor (CMGC). These contracts make the awardee accountable for the majority of the design, including the engineering design, which shifts risk to the contractor and away from the state.
- To be clear, comparing the price of alternative delivery contracts and design bid build contract is not an apples-to-apples comparison.



When Does It Work Well?



Most large projects in modern CO History have been constructed with some form of alternative delivery.

At the same time, design bid build often works best for smaller and simpler projects, which are equally important but different.

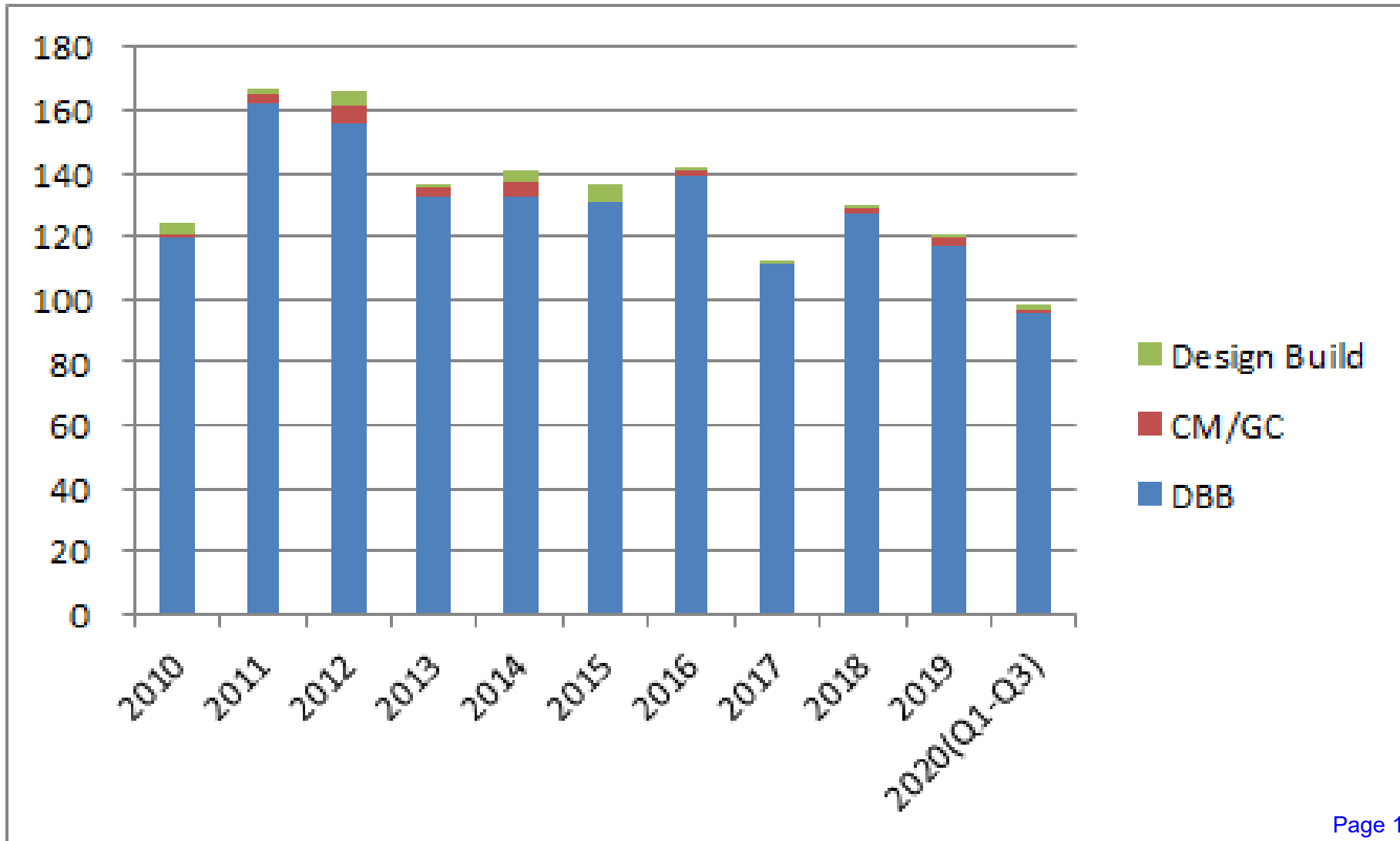
Limiting tools would effectively limit the kinds of projects that can be built in a very diverse state with diverse needs

Alternative delivery does not work for all projects and tends to be better suited for

- larger construction projects (Central I-70, TREC, Glenwood Canyon)
- emergency events, (US 36 emergency repair)
- other complex/multivariable projects with integrated design and construction teams from the beginning (multiple phases of I-25 reconstruction, north and south).

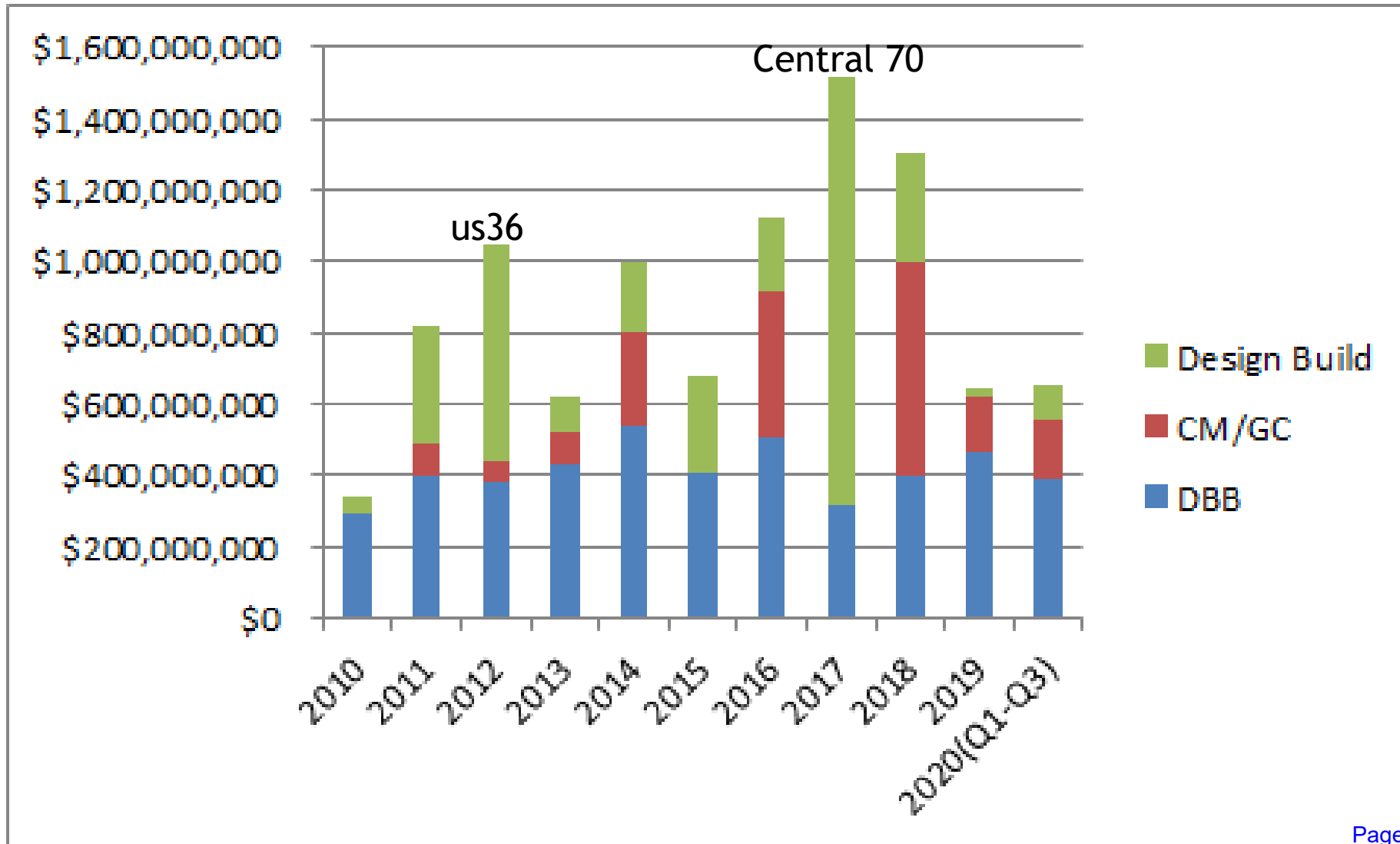


Projects by Type and Number 2010-2020





Projects by Type and Value 2010-2020





Contractors by Type

Since 2012

Project Type	Number of Projects	Cost
CM/GC	15	
DB	13	
Streamline DB	4	
Modified DB	1	
Emergency (CMGC like)	2	
Totals	35	

35 innovative contracts since 2012 with 18 contractors

Project Type	Number of Projects	Cost
DBB	1,184	\$3.95B

185 different contractor innovative contracts since 2012 with 18 contractors



Transit



RTD has a dedicated local funding stream separate from state funds.

CDOT does not have plans to dedicate departmental funds to RTD. CDOT's funding is restricted and limited in the flexibility of uses.

RTD received \$232M directly from CARES Act

CDOT administered \$39.75M of CARES funding for 41 transit agencies in the non-urban areas (10 of 15 TPR areas)

Both the state and local governments are especially reliant on the FHA base funding levels given the loss of gas tax and other revenue during this pandemic



CDOT Transit Accomplishments

✓ Mobility Hubs

- 10/18 open today. Goal is 13/18 by 2023.

✓ Integrating Transit Into Key Corridors

- Region 2, Bijou Street Storage and Maintenance Facility - Construction
- Region 3, Winter Park Maintenance Facility - Design
- Region 3, RFTA: Aspen Maintenance Facility Improvements - Completed
- Region 3, Summit County Transit Operations Center - Design

✓ Bustang and Outrider services reopening around the state.

- Currently operating on a reduced schedule.
- West & North = 5 days/week; South = 7 days/week
- Outrider back on its regular schedules; Opening four new lines in 2021.

✓ Distributed \$1M of transit funds the JBC dedicated towards senior transit programs statewide.



A pilot project introducing bike lanes in downtown Paonia.



COLORADO

Department of Transportation

Questions?





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KAY KELLY, DIRECTOR, OFFICE OF INNOVATIVE MOBILITY
DATE: JANUARY 20, 2021
SUBJECT: MOBILITY SYSTEMS COMMITTEE - ELECTRIC VEHICLE CHARGING CORRIDORS

Purpose: This memorandum provides an overview of electric vehicle (EV) charging corridor programs.

Action: Informational briefing, no action necessary.

Background: The Electrification and Energy area within the Office of Innovative Mobility works with partners in the public and private sectors to facilitate the expansion of both electric vehicles and infrastructure across Colorado. This work is in alignment with state recommendations in the greenhouse gas (GHG) roadmap for increased vehicle electrification and with CDOT goals to:

- Work collaboratively with other state agencies and local partners to reduce statewide GHG pollution by 26% by 2025, 50% by 2030 and 90% by 2050 relative to 2005 state GHG pollution levels.
- Collaborate with other state agencies to increase EV registrations to support a future fleet of at least 940,000 light-duty EVs by 2030.
- Work with other state departments, transit agencies and electric utilities to meet the transit vehicle goals specified in its 2020 Electric Vehicle Plan to convert the state transit fleet to 100% zero emission vehicles (ZEVs) by 2050, with an interim target of at least 1,000 ZEVs by 2030.
- Collaborate with other state agencies, local governments, and private companies to increase the percentage for total state highways within a 30-mile travel buffer of DC fast-charging stations from 40% in fiscal year 2020 to 100% by 2030.
- Coordinate with other state agencies, the Colorado Scenic and Historic Byways Commission, local governments and individual site hosts to increase the number of Colorado Scenic and Historic Byways classified as electrified byways from 3 today to 26 by the end of fiscal year 2025.

This briefing will provide background information on the increasing range and capability of EVs available to Colorado drivers, the expected EV adoption curves and the EV charging infrastructure programs that are underway to deploy the necessary levels of charging infrastructure to support the growing population of EVs in Colorado's fleet.

Attachments: Attachment A - January OIM Workshop Presentation - Colorado EV Charging Corridors





COLORADO
Department of Transportation

Vehicle Electrification in Colorado





CDOT's EV Goals

PD 14 Environmental Impact Objectives & Targets

CDOT will work collaboratively with other state agencies and local partners to **reduce statewide GHG pollution** from the transportation sector by 26% by 2025, 50% by 2030, 90% by 2050 relative to 2005 statewide GHG pollution levels.

Collaborate with other state agencies to **increase electric vehicle registrations** to support a future fleet of at least 940,000 light-duty EVs by 2030.

Work with other state departments, transit agencies, and electric utilities to meet the transit vehicle goals specified in its 2020 Electric Vehicle Plan to **convert the state transit fleet to 100% ZEV** by 2050, with an interim target of at least 1,000 ZEVs by 2030.

Collaborate with other state agencies, local governments, and private companies to **increase the percentage of total state highway miles within a 30-mile travel buffer of DC fast-charging stations** from 40% in FY 2020 to 100% by FY 2030.

Coordinate with other state agencies, the Colorado Scenic & Historic Byways Commission, local governments, and individual site hosts to **increase the number of Colorado Scenic & Historic Byways classified as electrified byways** from 3 in FY 2020 to 26 by the end of FY 2025.





Why Electric Vehicles?

CDOT Vision

To enhance the quality of life and the environment of the citizens of Colorado by creating an integrated transportation system that focuses on safely moving people and goods by offering convenient linkages among modal choices.

Electric Vehicles (EVs) offer several benefits:

- No tailpipe emissions
- Cheaper maintenance and operations
- Additional consumer choice



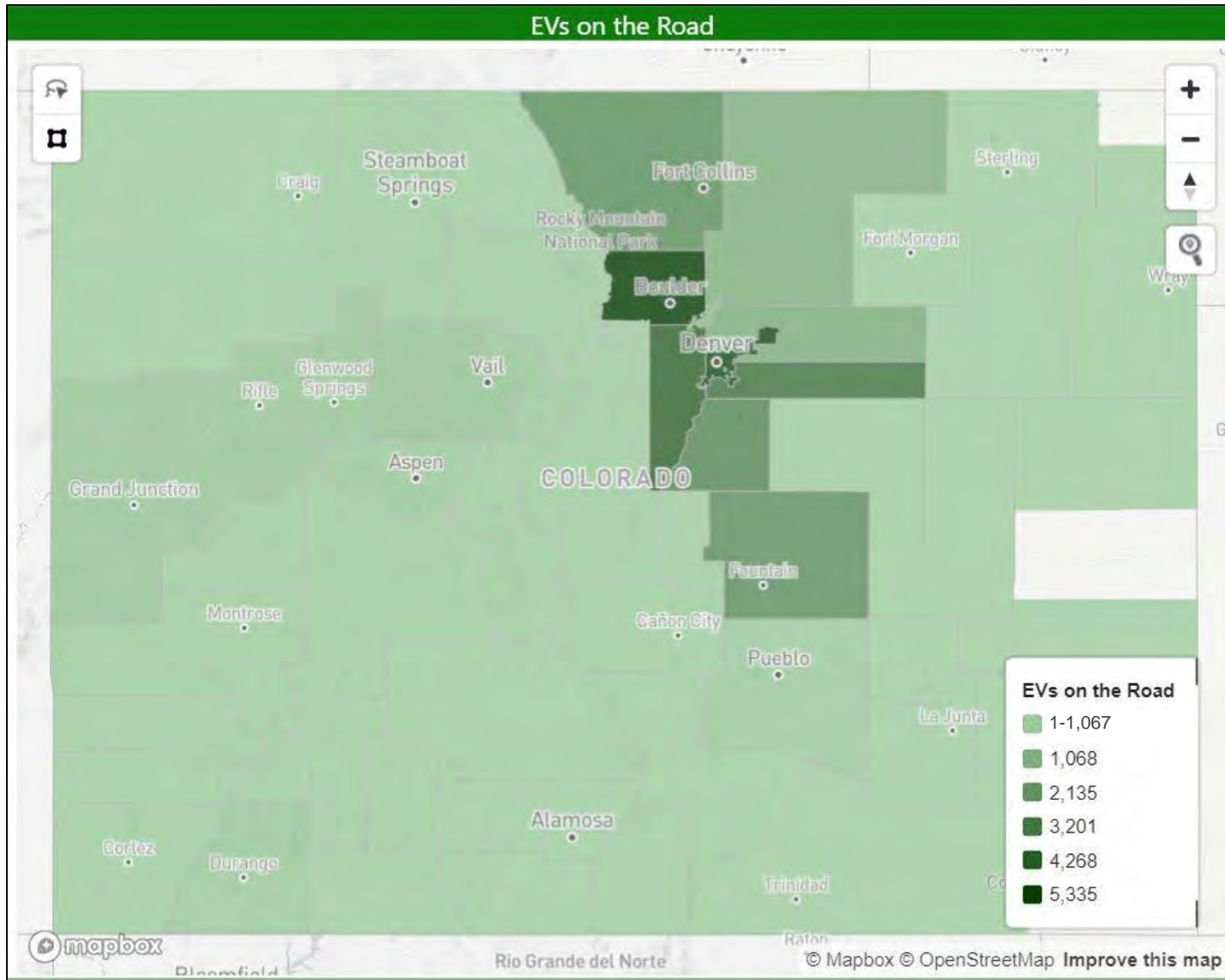


Types of Zero-Emission Vehicles

- Battery Electric Vehicles (BEVs): use batteries which can be charged externally and store recovered braking energy. BEVs use an electric motor as opposed to an internal combustion engine.
- Plug-In Hybrid Electric Vehicles (PHEVs): use both an internal combustion engine and an electric motor, whose battery can be recharged by its combustion engine, regenerative braking, or externally by the power grid.
- Hydrogen Fuel Cell Electric Vehicles (FCEVs): produce electricity using hydrogen gas and produce no harmful tailpipe emissions, just water vapor.
- Hybrid Electric Vehicles (HEVs): powered primarily by an internal combustion engine, but with a relatively large battery that can provide supplemental power and regenerative braking to significantly boost fuel efficiency. Cannot run exclusively on electricity. *Not classified as ZEVs by Colorado, but still beneficial.*
- Other Options: renewable natural gas (RNG) and other renewable fuel types *may* be zero-emission, depending on the method of fuel production. Other tools such as hybrid refrigeration units could also help reduce emissions.



EV Market Background

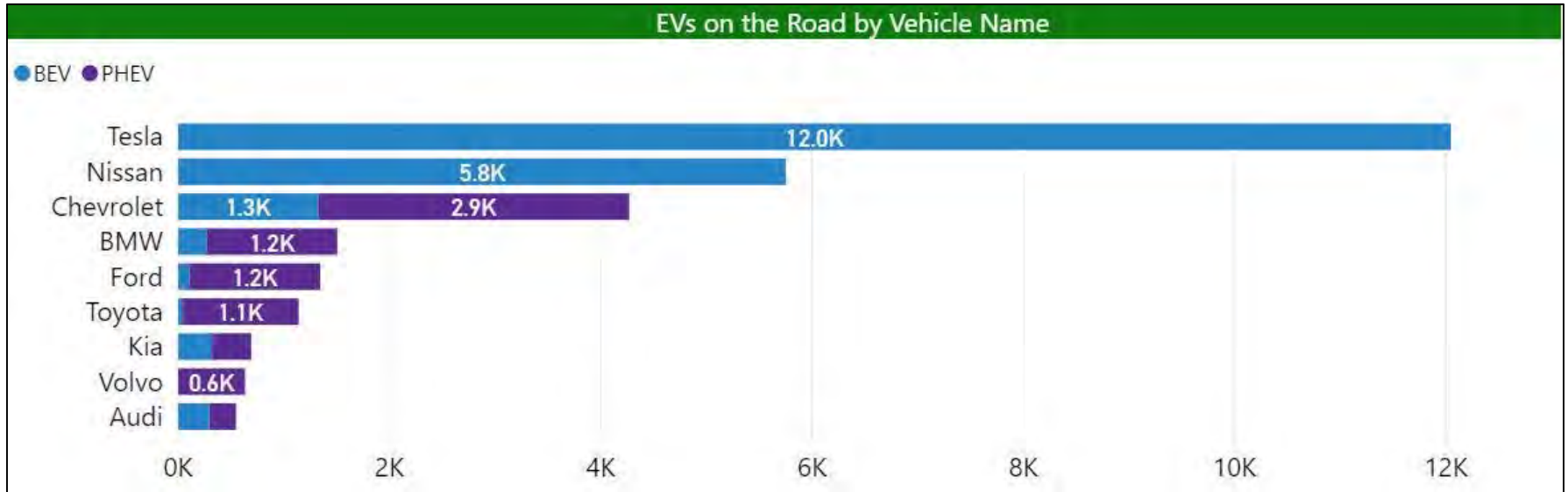


32,730 EVs in Colorado

- 22,577 BEVs
- 10,153 PHEVs



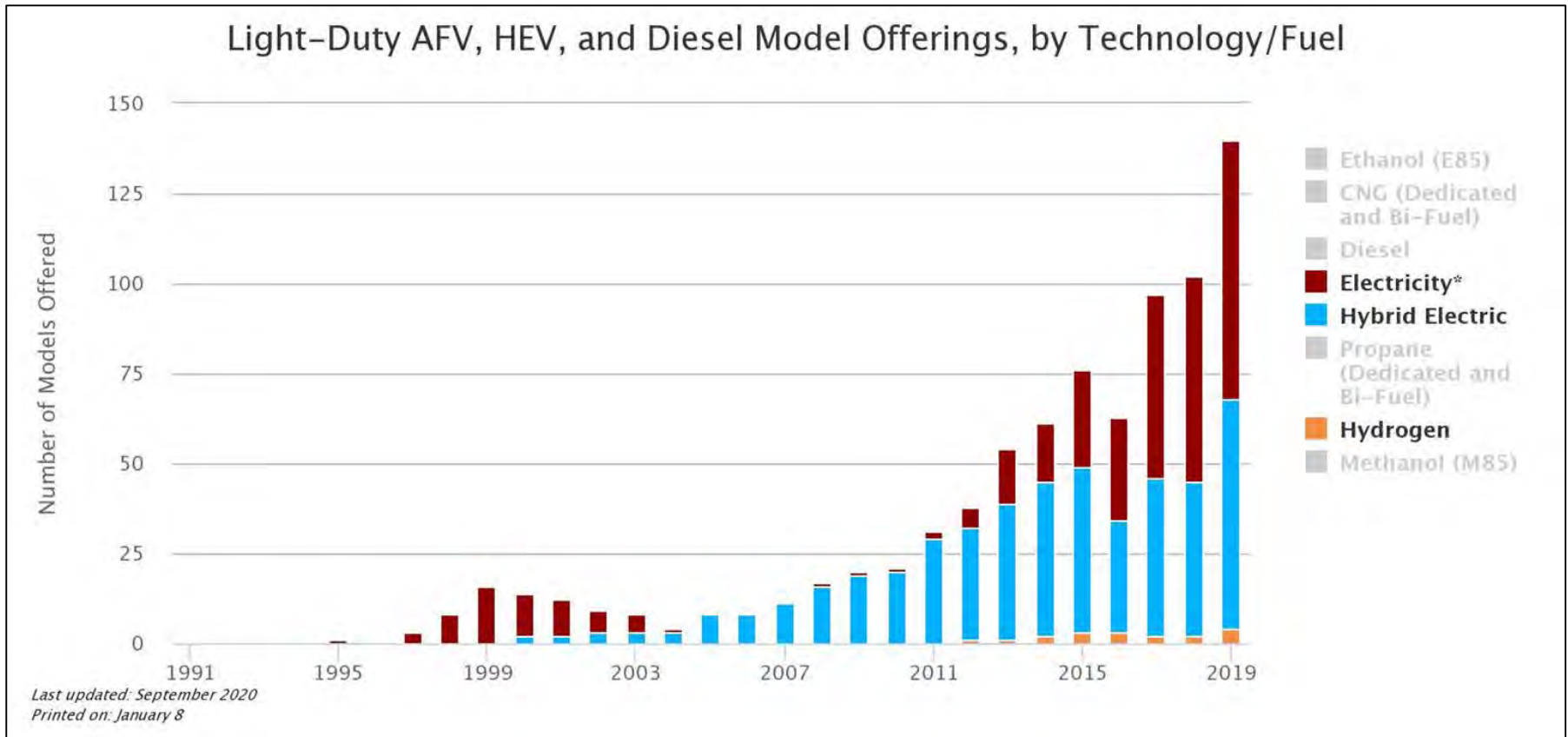
EV Market Background





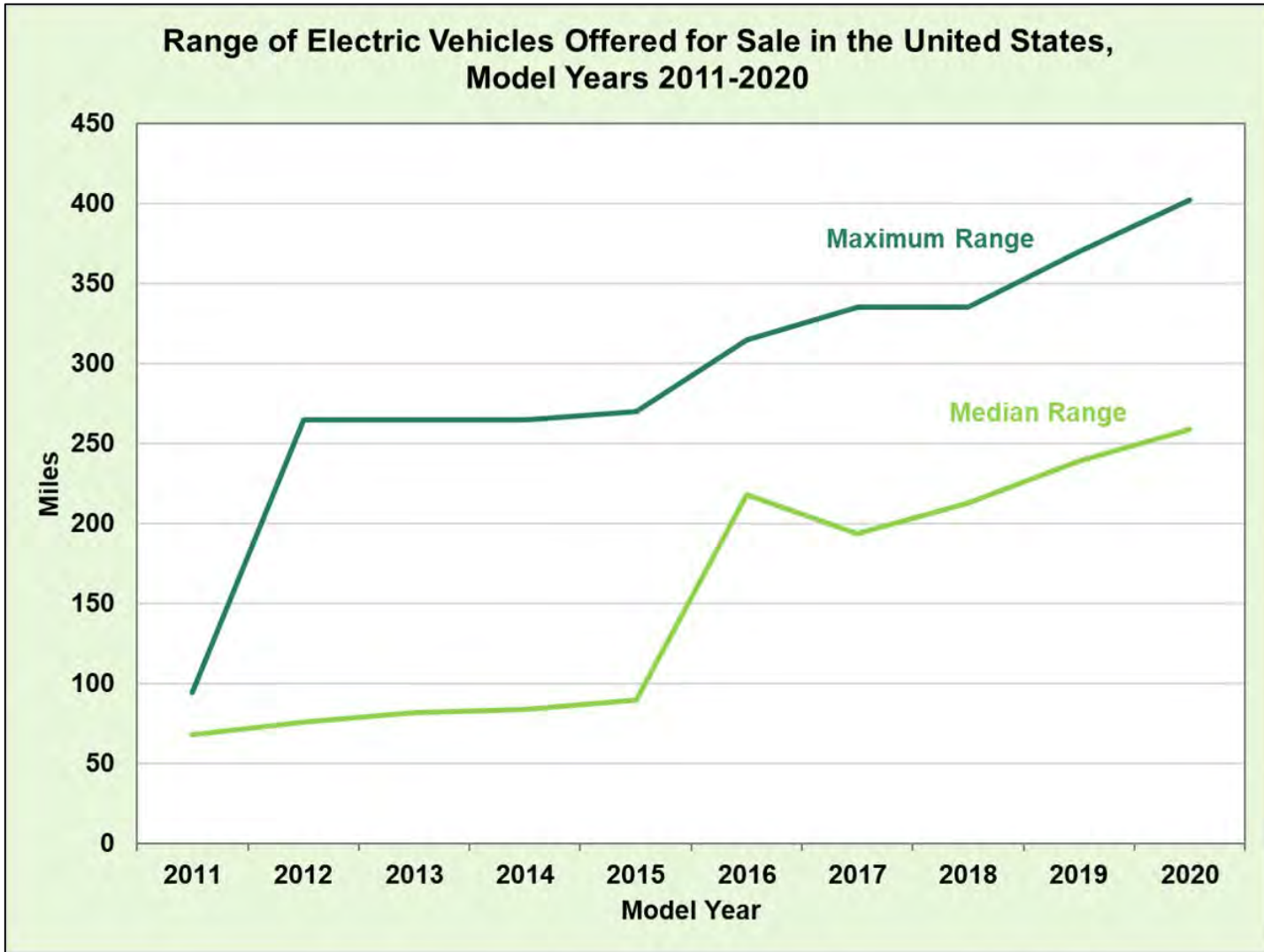
Increasing Vehicle Availability

- In 2019, Colorado adopted the Zero-Emission Vehicle standard that will require automakers to make a greater number and variety of ZEVs for sale in Colorado, increasing consumer choice



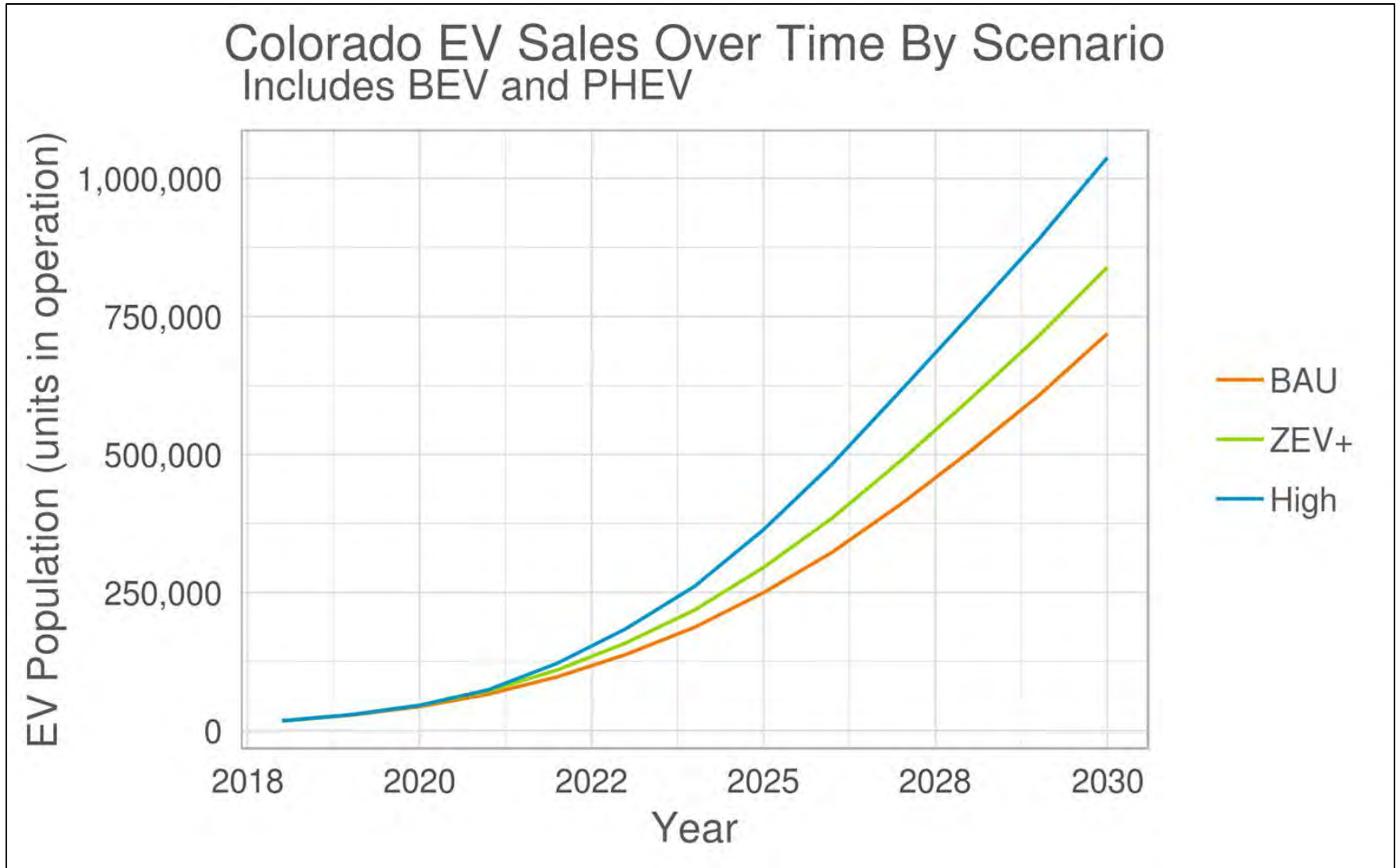


EV Technology Improvement





EV Growth Projections

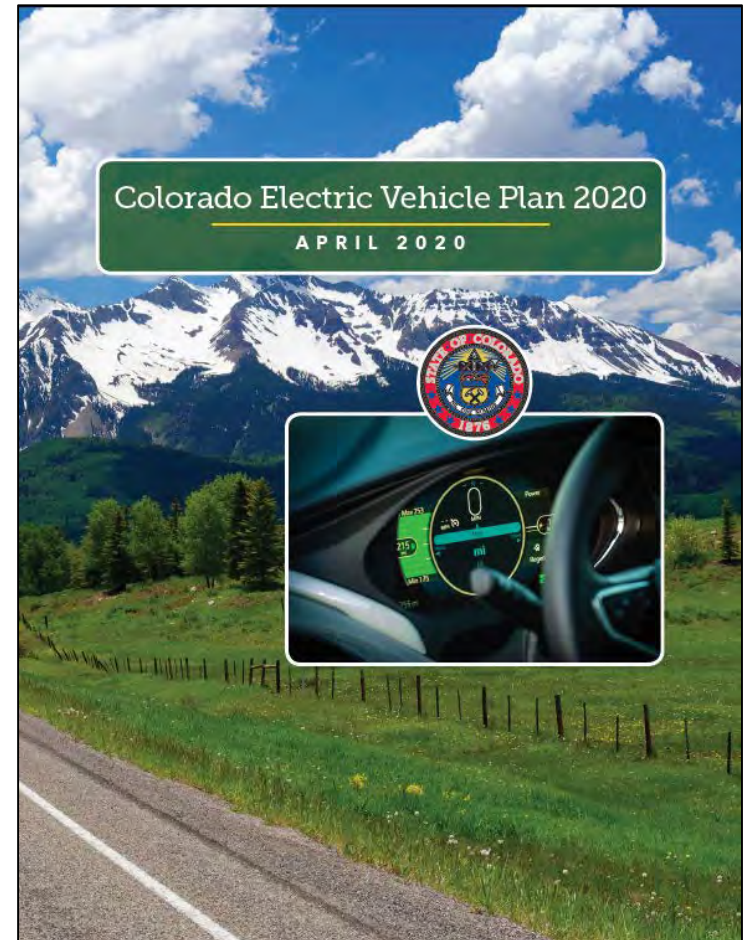




Colorado's EV Goals

Colorado's [2020 Electric Vehicle Plan](#) established a state target of **940,000 registered ZEVs** by 2030

The plan also includes strategies to explore related issues like the hydrogen fuel market, supporting EV equity, and working with dealers and technical schools to promote and support this market over the longer-term.



<https://energyoffice.colorado.gov/zero-emission-vehicles/colorado-ev-plan-2020>



Vehicle Incentives & Grants

**FORT COLLINS-LOVELAND
ELECTRIC VEHICLE
GROUP BUY**
SEPTEMBER 2020

PRESENTED BY:

Clean Cities
Northern Colorado Clean Cities

DRIVE
electric
NORTHERN COLORADO

SAVE ON
2020 BMW X3 30E
& 2021 X5 45E

&

SAVE ON
2020 NISSAN
LEAF S, SV & SL

Co's BMW Center
coobmw.com

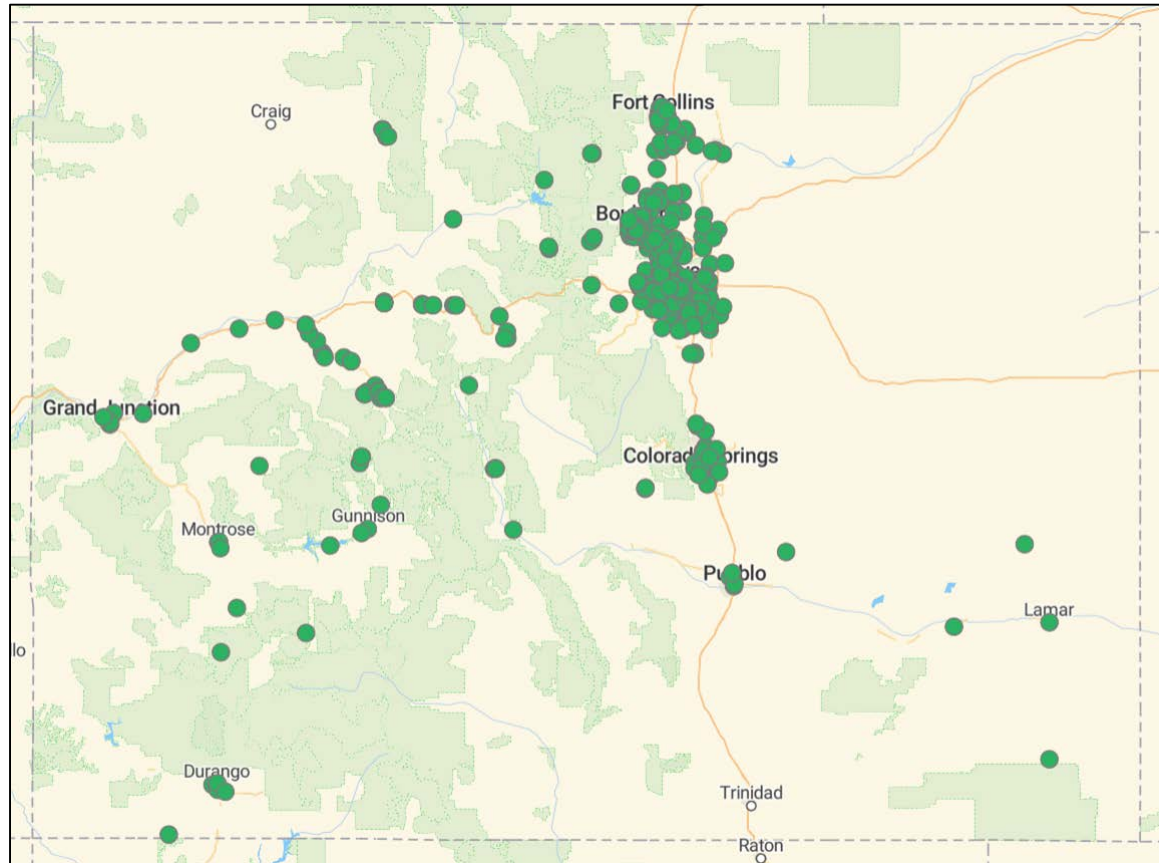
FORT COLLINS

- Colorado has a \$2,500 tax incentive available for BEVs and PHEVs, one of the highest in the country (but it will decrease over time)
- Can be combined (in some cases) with the \$7,500 federal tax incentive
- Many electric utilities also offer additional incentives or programs, including for home charging equipment/installation
- Group Buy opportunities can bring down the up-front cost even further



Charge Ahead Colorado Grants

- Partnership between the Colorado Energy Office and Regional Air Quality Council.
- Grants for community-based Level II and DC fast-charging stations across the state.
- Grants for EVs in 7-county metro area – public/non-profit fleet owners.
- Over 1,000 charger grant awards to-date.

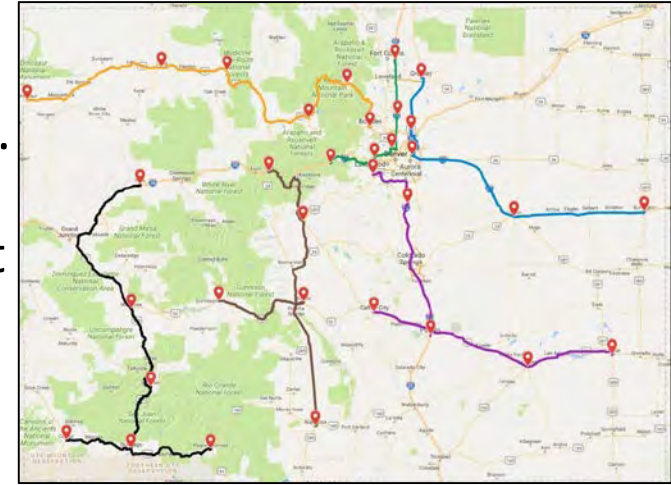


Source: Alternative Fuels Data Center <https://afdc.energy.gov/>



DC Fast-Charging Corridor Grants

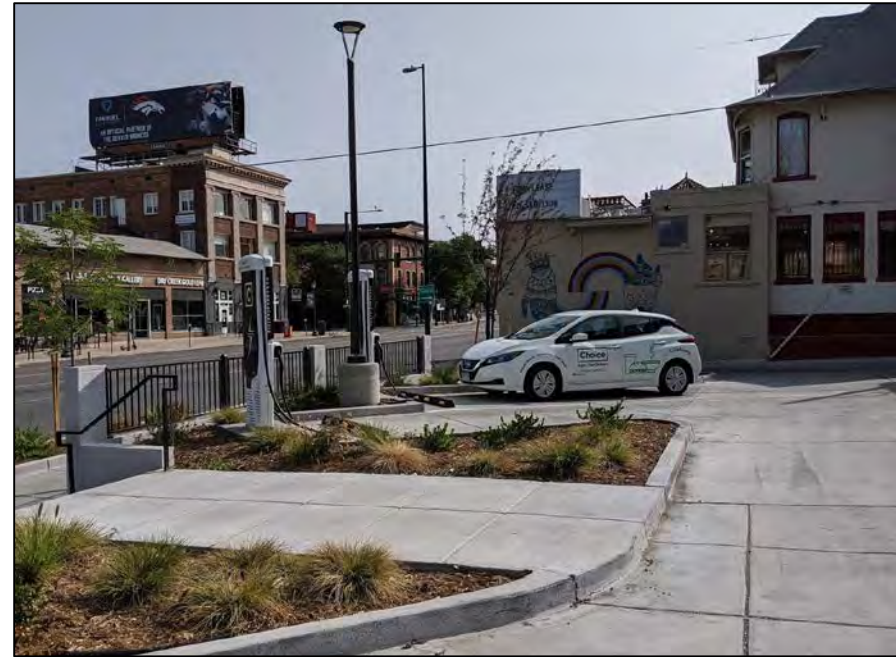
- \$10.33 million award made to ChargePoint to build 34 DCFC across the state highway network.
- 2-4 chargers at each site; capable of providing at least 50 kW and up to 150 kW charging.
- Statewide network ensures a consistent driver experience at every station.
- Committed site hosts: retail, grocery, c-store, and local governments.
- State-of-the-art modular technology allows for expansion.
- Anticipated opening of all sites by summer 2021.





DC Fast-Charging Plaza Grants

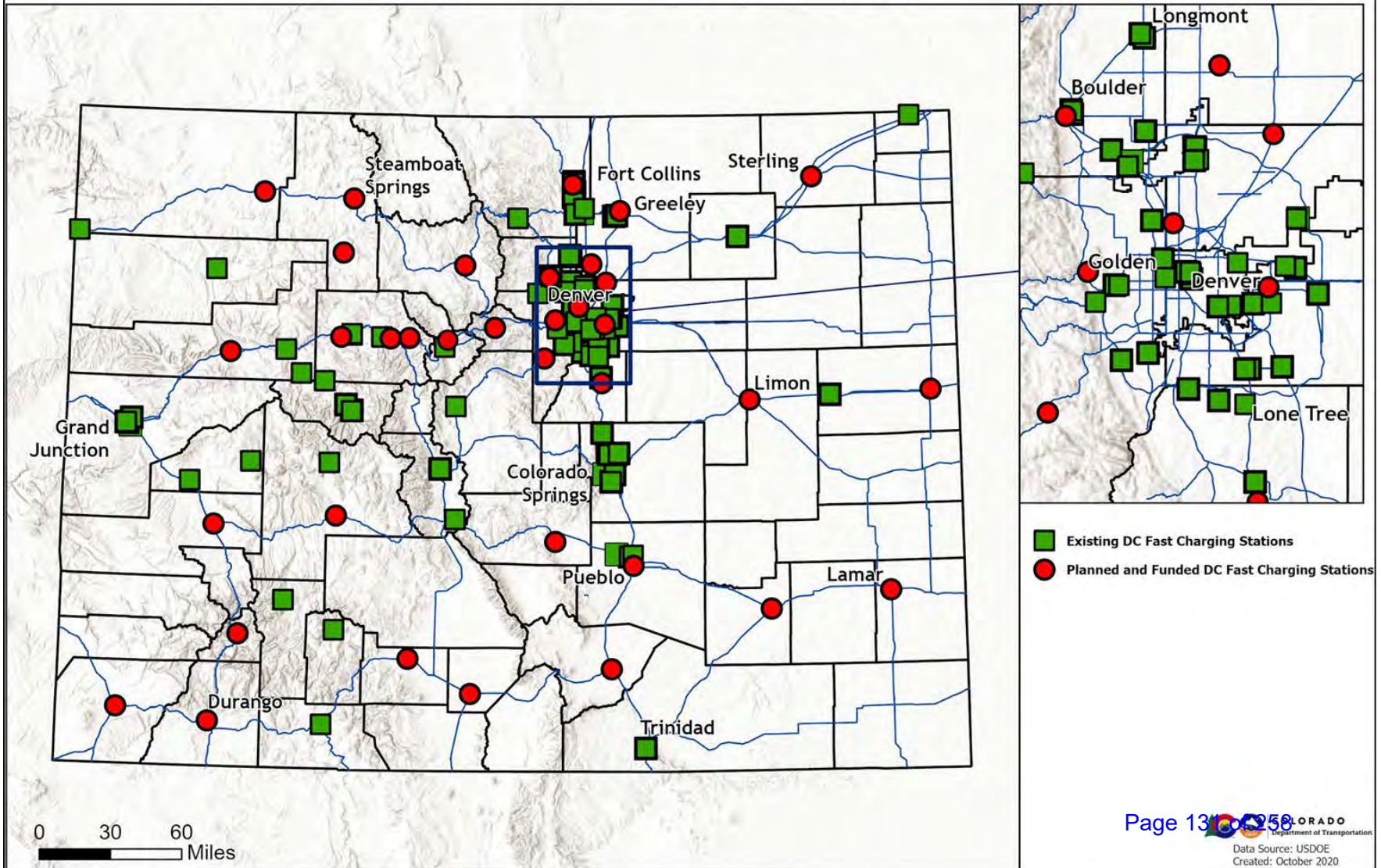
- Round 1 awarded roughly \$2 million to 3 applicants across 7 Denver Metro area sites.
- Targeting drivers without regular access to home or workplace charging or in need of quick, opportunity-based charging.
- Focus around downtown areas, near high density housing and commercial developments, near transit hubs, and in locations where there is a high density TNC usage.
- A second RFA for remaining funds will be issued in early 2021.





Statewide EV Fast Charging Corridors

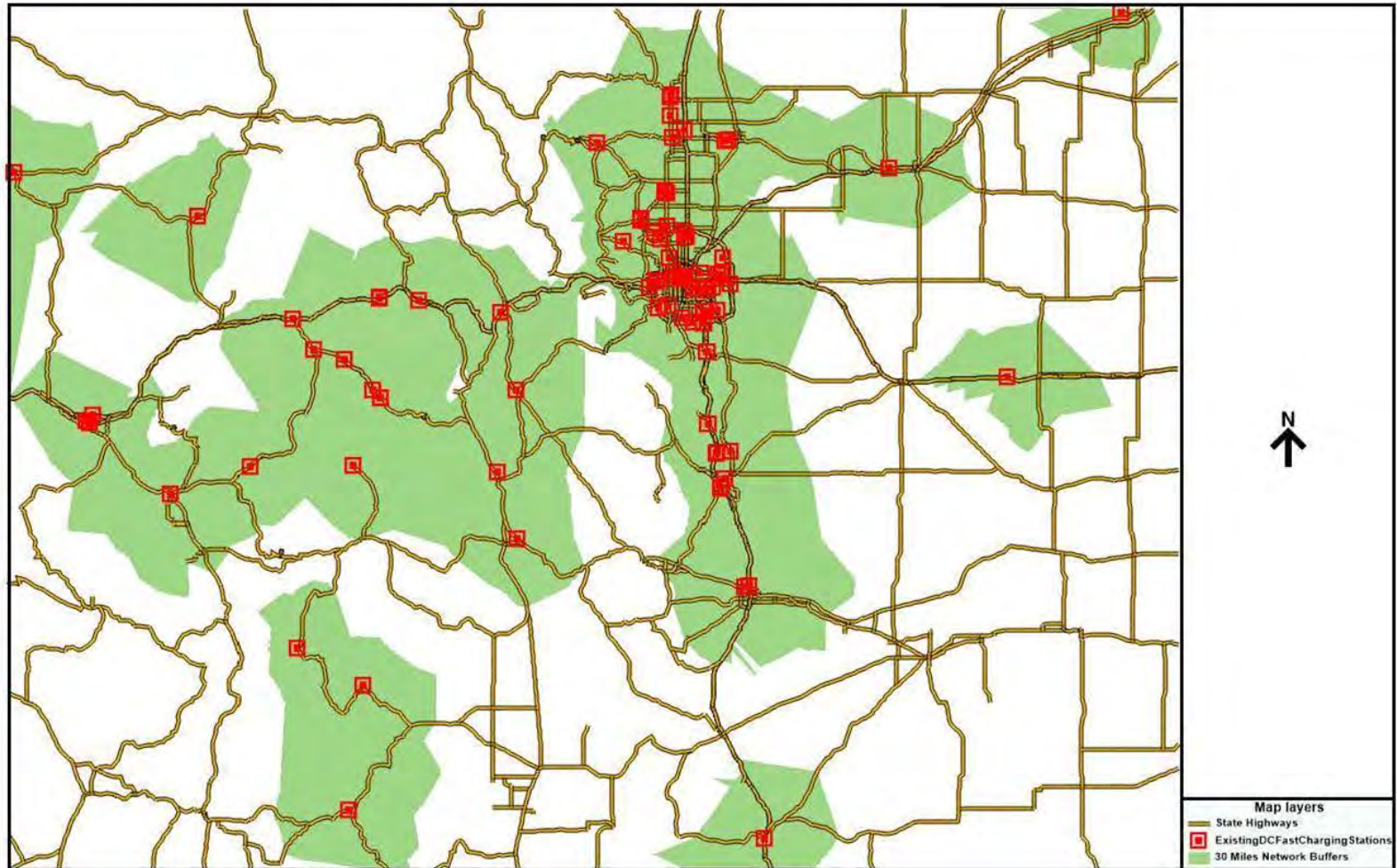
Publicly Accessible EV Fast Charging Network 2020





Statewide EV Fast Charging Corridors

Colorado Existing EV Fast Charging Stations (86) with 30 Miles Travel Buffers *Updated 11/13/2020*



Total State Hwy Miles	30 Miles Network Buffer's Miles	% of State Hwy Miles In Buffers
9,067	4,166	46%



Scenic Byways Electrification & Rural Economic Development

Completed

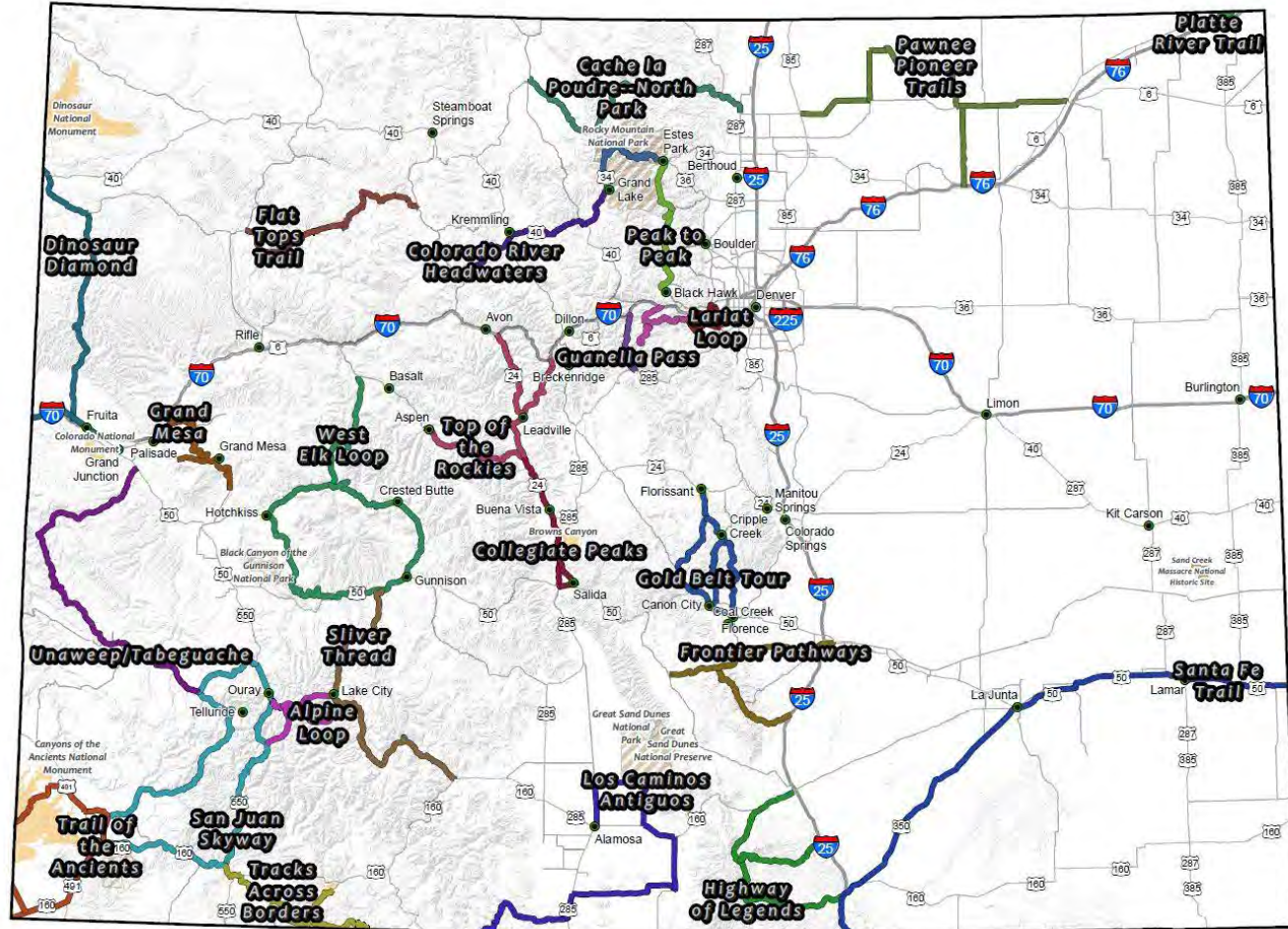
- Lariat Loop
- Grand Mesa
- Silver Thread

In-Progress

- Flat Tops Trail
- Top of the Rockies
- West Elk Loop

Upcoming Priorities

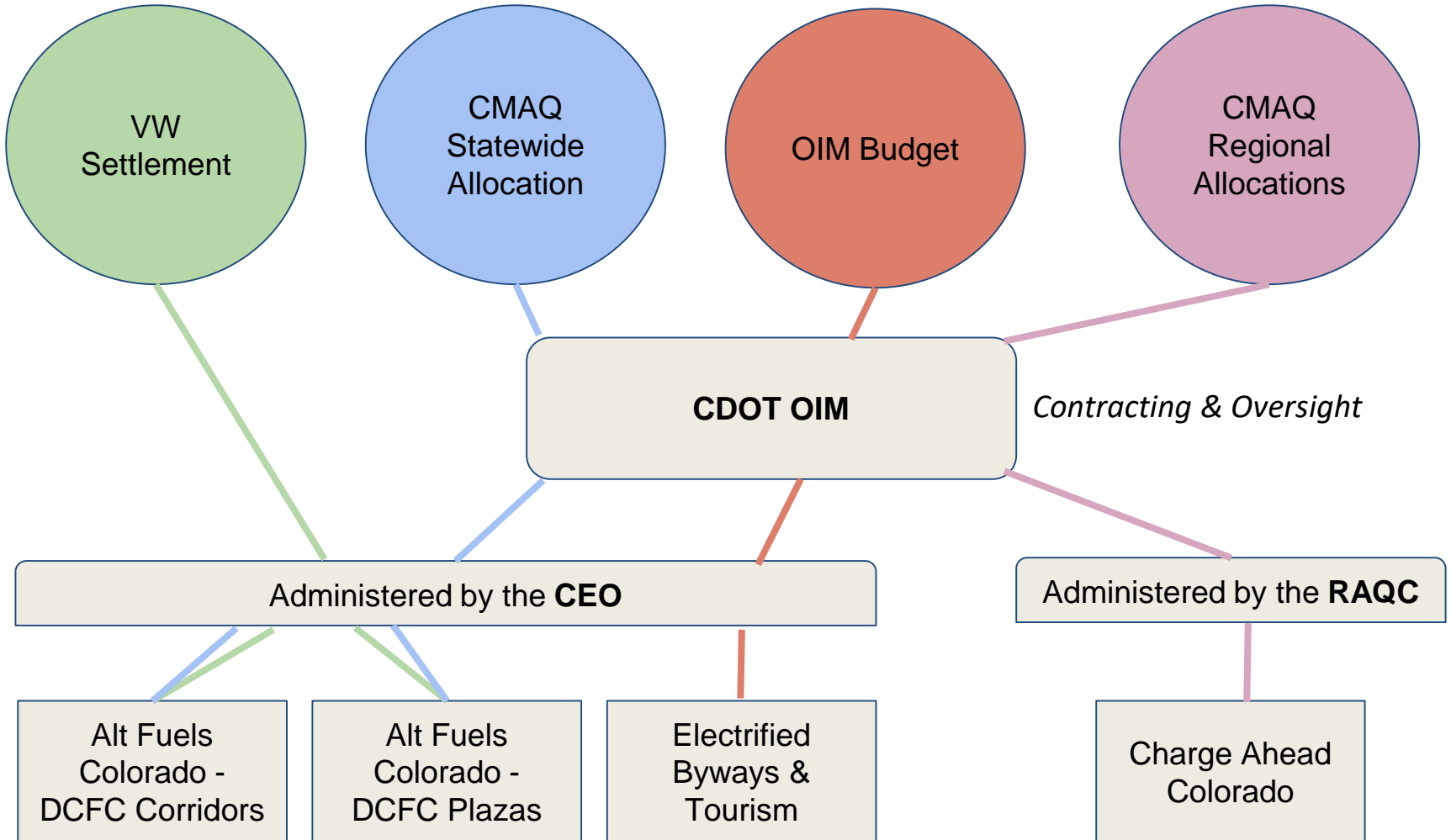
- Colorado River Headwaters
- Collegiate Peaks
- Trail Ridge Road
- Trail of the Ancients
- Peak to Peak





Funding Streams & Programs

Transportation Commission & STAC





Summary of EV Infrastructure Funding

Funding Type	Program Name	Administered by	Funding Levels
CMAQ Statewide Allocation (FY14 - 17)	Alt Fuels Colorado - Corridors & Plazas	CEO	<u>Original</u> : \$15 M <u>Remaining</u> : \$2.1 M
Volkswagen Settlement	ZEV Supply Infrastructure	CEO	<u>Original</u> : \$10.3 M <u>Remaining</u> : \$0 M
Regional CMAQ Allocation (FY17 - 20)	Charge Ahead Colorado	RAQC	<u>Original</u> : \$8.1 M <u>Remaining</u> : \$5.7 M
Office of Innovative Mobility (FY 20)	EV Byways & Tourism	CDOT OIM / CEO	<u>Original</u> : \$1.5 M <u>Remaining</u> : \$.75 M
Office of Innovative Mobility (FY 21)	Electrification & Energy	CDOT OIM	<u>Original</u> : \$1.5 M <u>Remaining</u> : \$1.5 M
CMAQ Statewide Allocation (FY 21)	Electrification & Energy	CDOT OIM	<u>Original</u> : \$1.4 M <u>Remaining</u> : \$1.4 M
Total Remaining			\$11.5 M



NREL Infrastructure Gap Analysis

Your Results

In Colorado, to support 470,000 plug-in electric vehicles you would need:

10,217 Workplace Level 2 Charging Plugs

6,500 Public Level 2 Charging Plugs

There are currently 2,412 plugs with an average of 2.8 plugs per charging station per the Department of Energy's [Alternative Fuels Data Center Station Locator](#).

917 Public DC Fast Charging Plugs

There are currently 431 plugs with an average of 3.4 plugs per charging station per the Department of Energy's [Alternative Fuels Data Center Station Locator](#).



Other Investing Organizations

FUELS

NATSO, ChargePoint Team Up on Truckstop Charging Network

Collaboration would aid development of charging sites near highway and rural areas

By *Samantha Oller* on Feb. 12, 2020



Photograph: Shutterstock

Walmart has more than 120 ultra-fast EV charging stations in 34 states

Electrify America promises that more are on the way.

Xcel Energy wins approval to advance Colorado EV plans

Utility regulators approved Xcel Energy's plan to spend \$102 million over three years to build charging stations, incentivize homeowners to install charging equipment and provide support for converting school buses, government and business fleets to electric.

DECEMBER 28, 2020 DAVID WAGMAN

EV POLICY COLORADO



Electrify America finishes first cross-country fast-charging route for EVs



STEPHEN EDELSTEIN

JUNE 24, 2020

61 COMMENTS



View Gallery

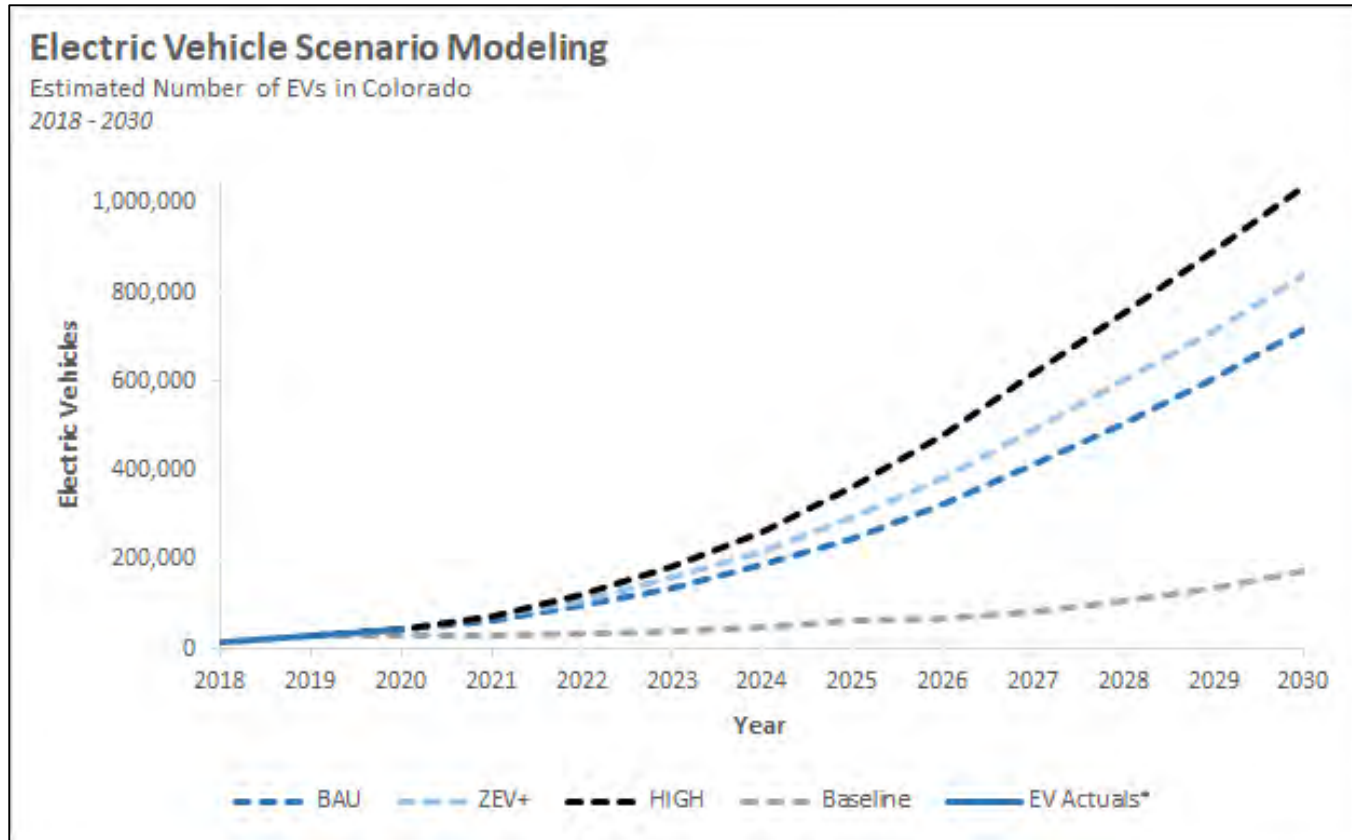


Future Planning & Research

- Colorado Clean Trucking Strategy
 - Managed by CDOT OIM
 - Work ongoing, results of technical analysis anticipated in spring 2021
- EV Charging Infrastructure Gap Analysis
 - Managed by CEO
 - Work underway with ICCT, results anticipated in spring 2021
- Statewide Transit Zero-Emission Vehicle Roadmap
 - Managed by CDOT DTR
 - Work underway with FHU, anticipated completion in summer 2021
- EV Equity Study
 - Managed by CEO
 - Consultant selection in-progress, anticipated completion in fall 2021
- Colorado Hydrogen Roadmap
 - Managed by CEO
 - Consultant selection in-progress, anticipated completion summer 2021



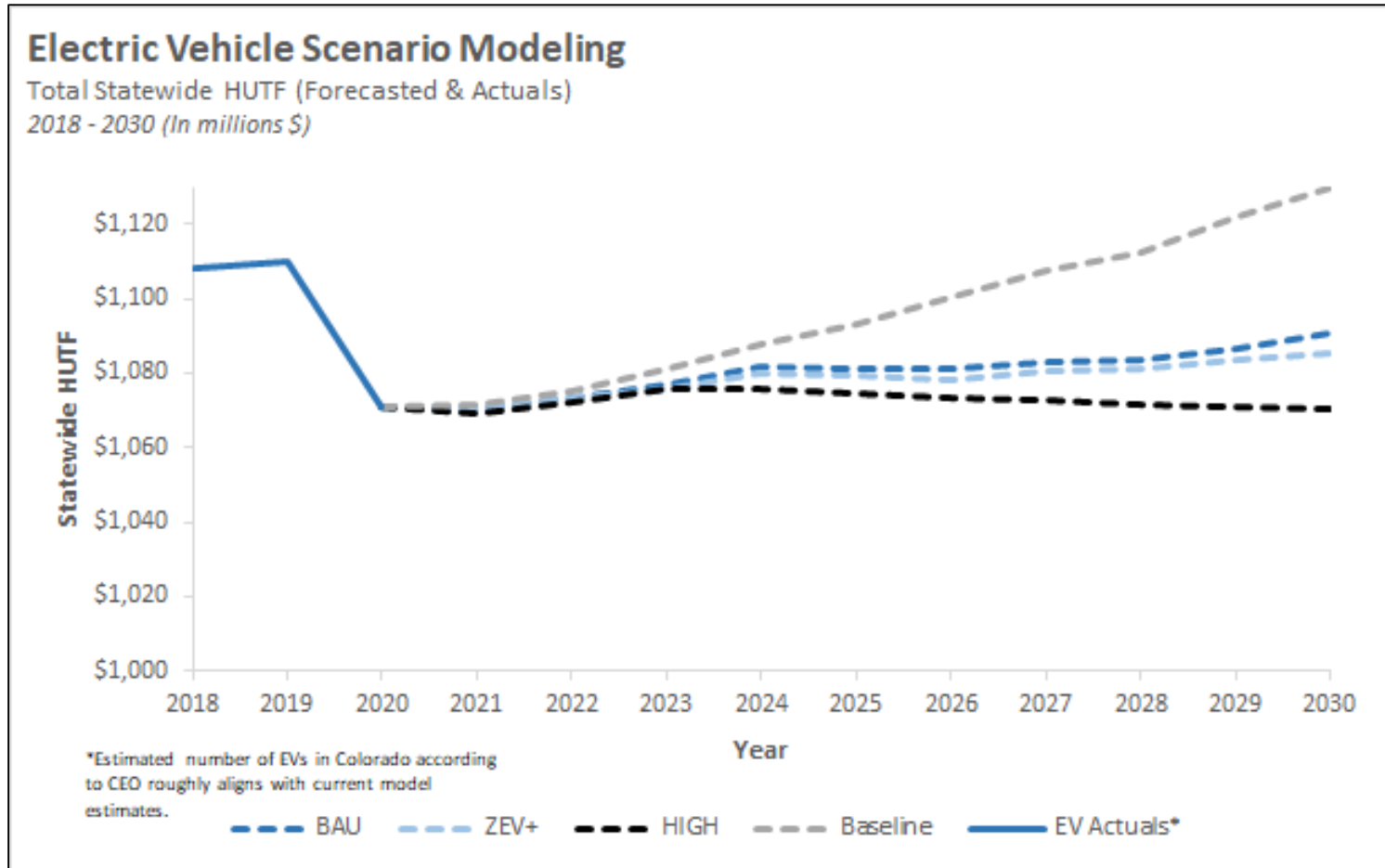
CDOT Revenue Impacts



- CDOT Accounting & Finance staff integrated EV adoption forecasts into the existing CDOT revenue model to assess high-level impacts
- Scenarios included the model's baseline plus 3 scenarios developed by Navigant for the CEO in 2019



CDOT Revenue Impacts



- Results indicated that under the highest EV adoption scenario, overall HUTF decreases by approximately \$19 million in 2025 and \$59 million in 2030 (out of \$1.07 billion) compared to the baseline scenario



Questions & Contact



Contact:

Michael King

michael.king@state.co.us

(732) 690-2049

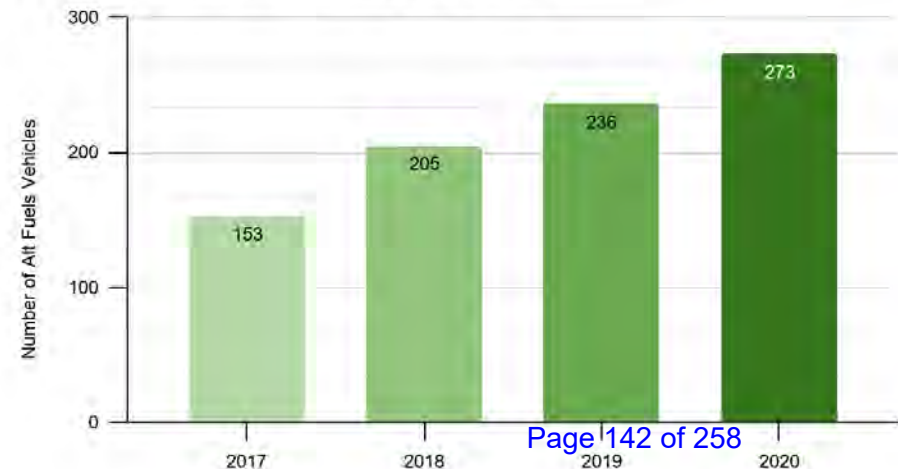


CDOT Fleet Vehicles

- Currently CDOT's light-duty fleet includes (273 out of 906 total, approx. 30%):
 - 79 Natural Gas (CNG) vehicles (sedans and trucks)
 - 17 plug-in hybrid electric vehicles (Ford Fusions and Mitsubishi Outlanders)
 - 12 battery electric vehicles (Chevy Bolts)
 - 165 hybrid electric vehicles (sedans, SUV's and trucks)
 - 26 dual-port chargers at 11 CDOT locations



Alt Fuel Vehicles Within CDOT Fleet



**Transportation Commission of Colorado
Freight, Regional and Interstate Mobility Committee
Virtual Meeting**

Agenda

Wednesday, January 20, 2021

Rebecca White, Director, Division of Transportation Development

John Lorme, Director of Maintenance & Operations

Michelle Scheuerman, CDOT Freight Planning

Craig Hurst, CDOT Freight Office Manager

- 1. Welcome – Commissioner Gary Beedy, Chair**
- 2. National Highway Freight Program (NHFP) Presentation –
Rebecca White, Michelle Scheuerman and Craig Hurst**
- 3. Closing Comments**
- 4. Adjourn**

THIS AGENDA MAY BE ALTERED AT THE CHAIR’S DISCRETION



COLORADO

Department of Transportation

Division of Transportation Development

Multimodal Planning Branch
2829 W. Howard Place, 4th Floor
Denver, CO 80204-2305

TO: The Freight, Regional, and Interstate Mobility Committee of the Transportation Commission

FROM: Rebecca White - Director, Division of Transportation Development (DTD)
Craig Hurst - Freight Office Manager
Michelle Scheuerman - DTD, Freight Planning

DATE: January 20, 2021

RE: National Highway Freight Program (NHFP) Overview

Purpose: The purpose of this memorandum is to provide an overview of the elements pertaining to the National Highway Freight Program (NHFP) and decision making process that will be presented to the Committee.

Action: Informational. No action required.

Background:

The National Highway Freight Program (NHFP) was created within the Fix America's Surface Transportation (FAST Act) following substantial increases in freight movement resulting from economic growth and expanded global trade over the past few decades. The growth in freight transportation demand, along with growing passenger demand, has caused congestion in many parts of the transportation system, making freight movements slower and less reliable. With its enactment in 2015, the FAST Act directed Federal surface transportation funds specifically toward highway segments and other projects deemed most critical to freight movements for the first time.

The Fixing America's Surface Transportation (FAST) Act authorization included five years of Federal funding for the NHFP. The NHFP is a formula-based funding program, from which Colorado received approximately \$83 million combined funding in the FY2016-FY2020 time period. Those funds have been programmed in previous award cycles to projects targeted to improve the performance and condition of Colorado's surface transportation. Under a Continuing Resolution, the Fast Act has been extended by a year which includes NHFP funding for FY 21 in the amount of \$22 million.

Details:

At the October 2020 workshop of the Freight, Regional, and Interstate Mobility Committee, CDOT's Freight Office Manager, Craig Hurst, provided a high-level overview of the NHFP. Committee members were very interested in this topic and requested to have a more detailed overview. Therefore, staff will dedicate this committee meeting to provide the Commissioners with a deeper dive into the program regulations and requirements, project eligibility, the decision making process (the newly established project application and selection process) which encourages greater stakeholder input, project successes and past project examples, the newly developed NHFP Guidance Document and timeline for the FY 21 Call for Projects.

Next Steps:

- Conduct FY 21 call for projects and provide the Freight, Regional, and Interstate Mobility Committee of the TC with an overview of projects to be approved by CDOT Executive Management.

Attachments: Attachment A: NHFP Presentation



National Highway Freight Program

Transportation Commission

January 2021



COLORADO
Department of Transportation

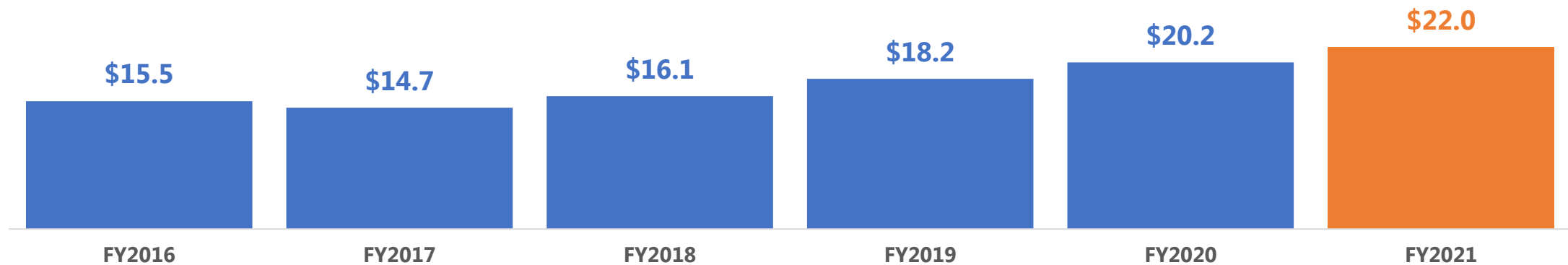
Today's Agenda

1. Welcome
2. NHFP and Freight Funding
3. Project Successes and Examples
4. Decision Making Processes
5. Discussion

NHFP Program Overview

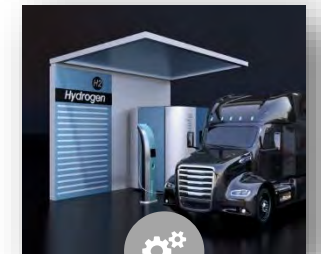
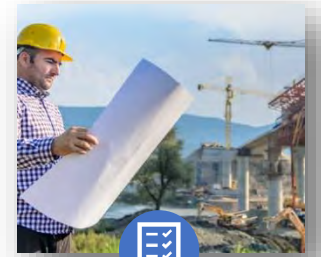
National Highway Freight Program (NHFP) Overview

- Federal formula program created under the FAST Act
- Colorado apportioned \$84.9 million for freight investment needs
- Colorado Freight Plan (CFP) identifies a priority-based and stakeholder-informed framework for NHFP investments
- Projects are identified by Engineering Regions and prioritized by the Freight Office, with guidance from the Freight Advisory Council



NHFP Project Eligibility and Requirements

- Broad project applications
 - Planning, design, pre-engineering, construction, operations, and other
 - Safety, sustainability, capacity, resiliency, parking and others
 - Highway, rail grade crossing, freight intermodal or freight rail
- Highway projects must be first designated as part of the state's critical urban or rural freight corridors
 - Colorado Freight Office administers program and corridor designation process
- Projects must be specified and included within the Freight Investment Plan



Future of Freight Funding

- NHFP extended from FY2016 to FY2020 with the FAST Act
 - Continuing resolution will provide funds for FY21 (approx. \$22m)
- Future of program uncertain, but several scenarios are plausible:
 1. Current appropriation levels extended with FAST Act extension
 2. Program continued or expanded in next reauthorization bill
 3. Program zeroed out or consolidated in next reauthorization
- Other states provide additional dedicated freight funding:
 - Infrastructure banks or revolving loan funds
 - Revenues from commercial motor vehicles
 - High-priority system investments

NHFP Project Successes and Examples

NHFP in Review, FY16-20

34

priority awards made

\$84.3

million invested

133.69

miles of freight corridors improved

- 13** Truck parking, pull-out, or chain-up station expansions
- 12** Safety capacity or operational improvements
 - 5** Freight mobility or capacity investments
 - 2** Safety technology improvements
- 2** Structures or freight travel constraints removed

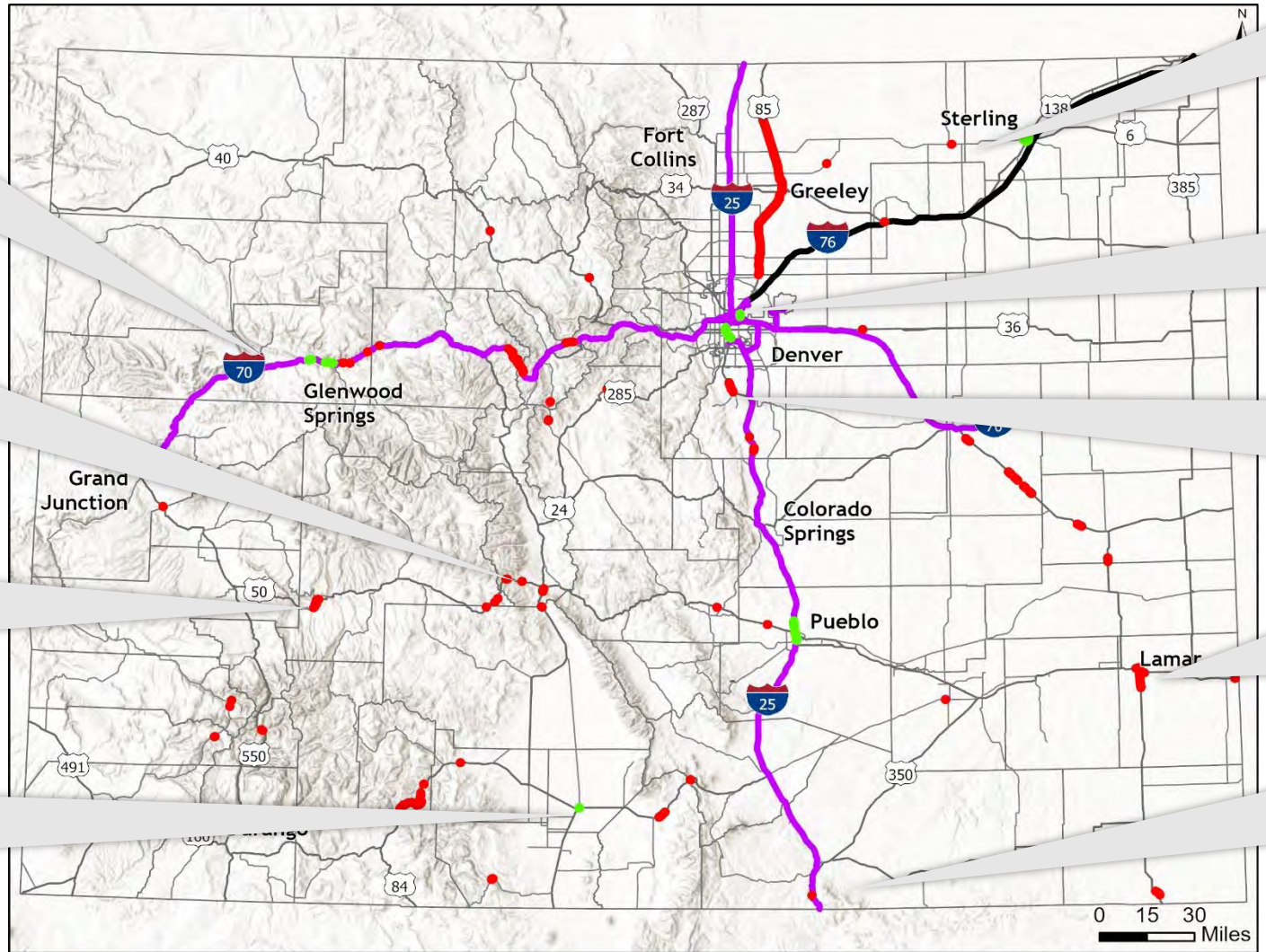
Example Regional Projects

Truck Parking Capacity - Construction of up to four truck parking locations along I-70

Ports-of-Entry - improvements to highway pullouts statewide used by Colorado State Patrol as mobile enforcement sites

US 50 Little Blue Canyon - Safety and operations improvements including passing lanes, shoulders, and hazard mitigation

US 160/SH 17 Freight Mobility - Intersection improvements to accommodate freight movements



SH 14 Sterling "S" Curve - realignment to connect I 76 and facilitate truck movements

US 85 Vasquez: - interchange improvements to I-270 to 62nd including truck safety needs

US 85: Louviers to Meadows - widening with acceleration and deceleration lanes and shoulders

US 287 Lamar - Construction of passing lanes in high crash areas

I-25 Bridge Improvement - Repair structure P-18-BP to allow overweight loads to utilize route

- Critical Rural Freight Corridors
- National Primary Freight System
- Critical Urban Freight Corridors
- Interstate not on National Primary Freight System

Data Sources: CDOT March 2020, FHWA 2019
Created: March 2020
 COLORADO Department of Transportation

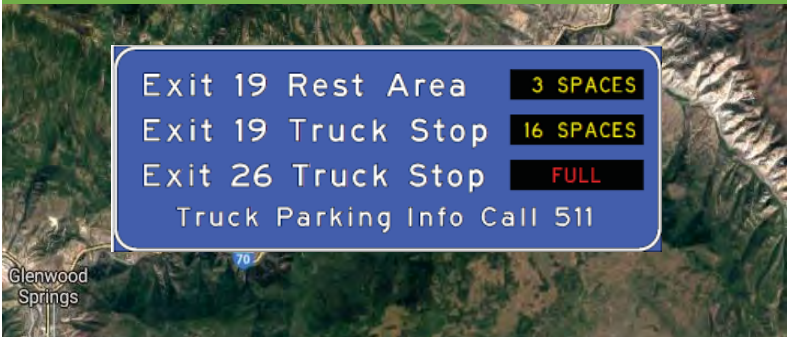
Example Project Highlights

I-70 Eisenhower Tunnel Snow Removal



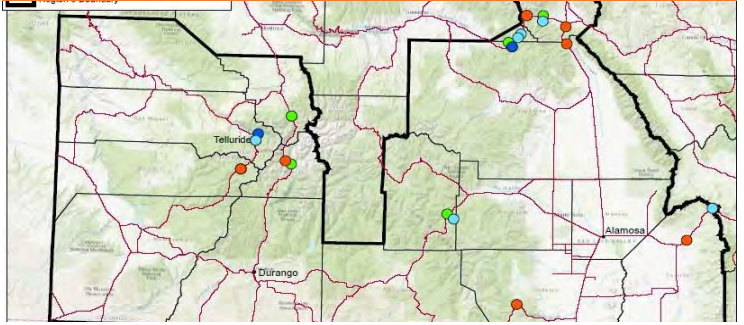
NHFP Award: \$300,000

I-70 TPIMS Pilot and Monitoring



NHFP Award: \$1,200,000

Region 5 Chain Station Improvements



NHFP Award: \$4,500,000

US 287 Passing Lane Improvements

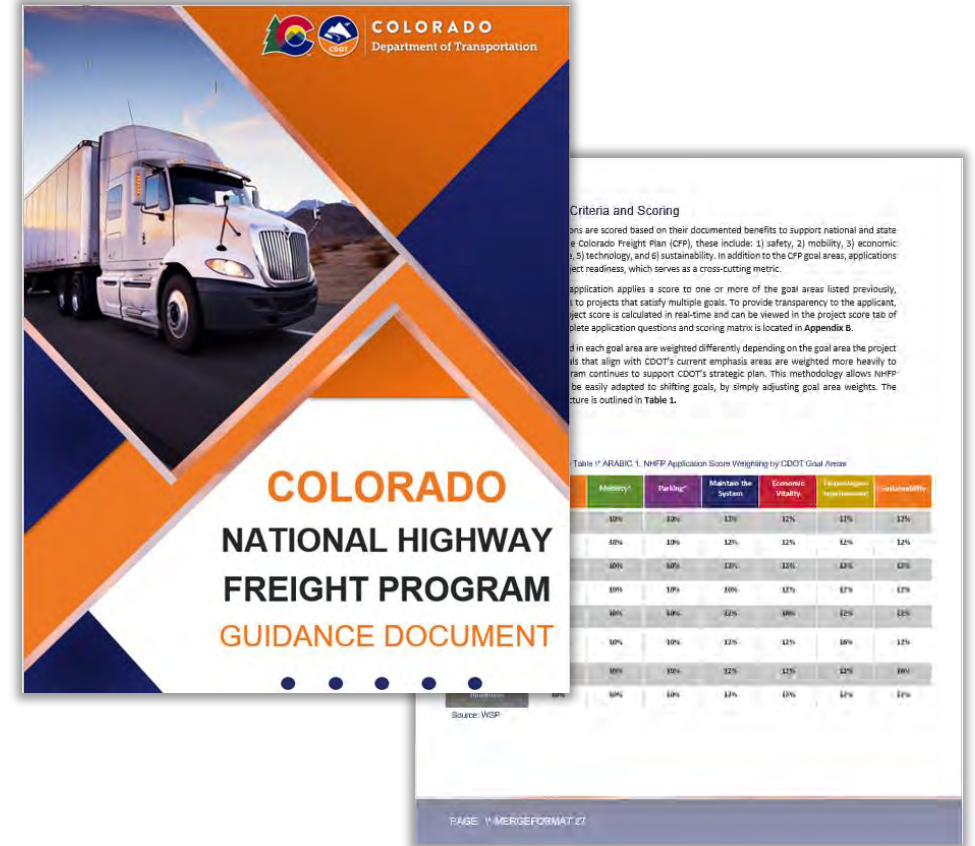


NHFP Award: \$4,500,000

Project Decision Making Processes

NHFP Administration and Accountability

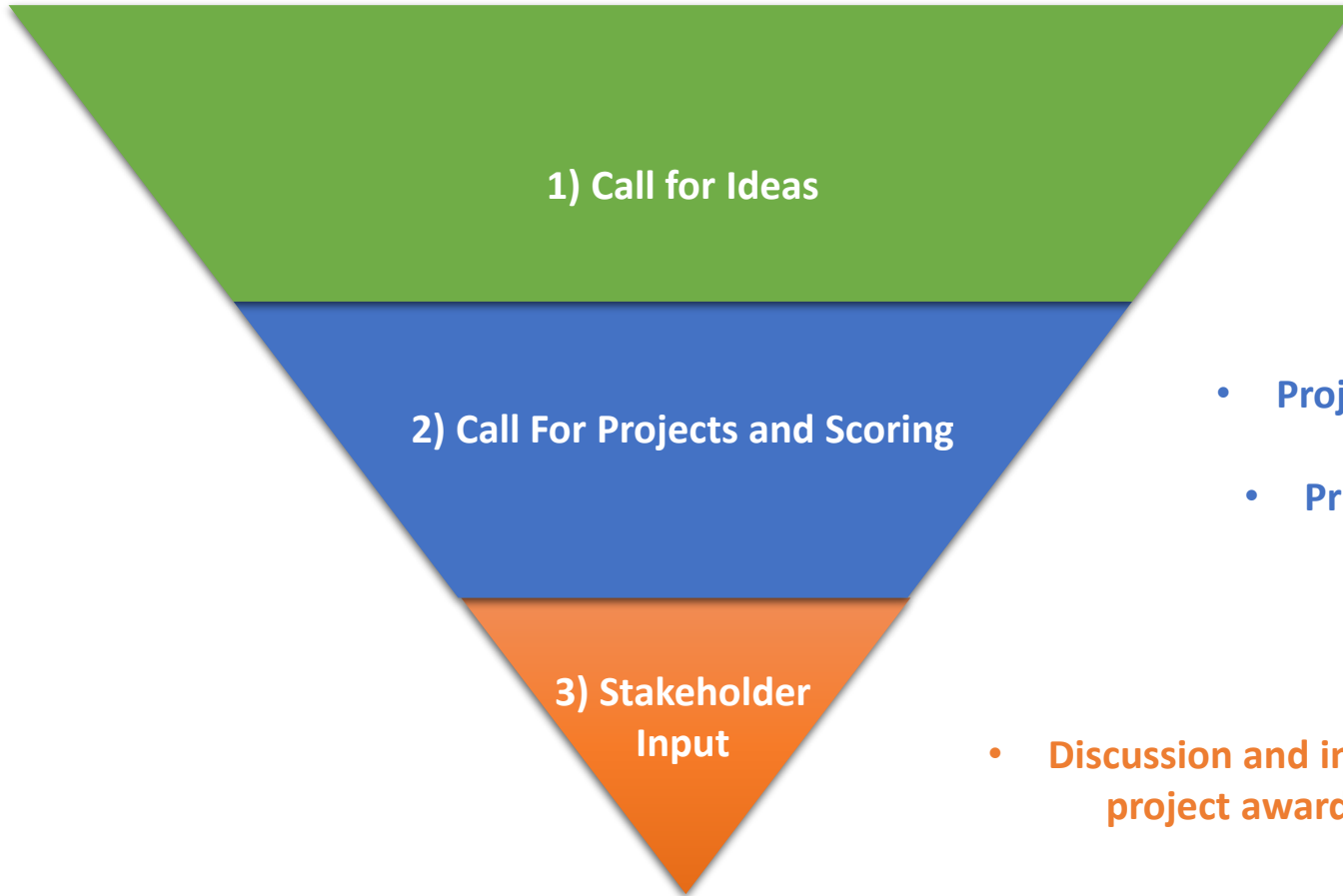
- Continual improvement in program delivery:
 - Expanded stakeholder involvement through Freight Advisory Council
 - Streamlined corridor designation and FHWA approval processes
 - Designed prioritization process to select projects
 - Implemented project controls and progress reporting
 - Developed program manuals and training guidance



NHFP Decision Process



Project Selection Process



- Potential projects identified by Regions
 - Project pitches and links to freight emphasis areas demonstrated

- Project applications and performance information completed
- Prioritization model applied to identify priority projects

- Discussion and input of recommended project awards by FAC and STAC

1) Call For Ideas



Eligibility Criteria

Must be within PHFS network, and an NHFP qualifying projects,



Matched Funding

Assume a maximum of 80% in federal funds



Goal Alignment

CDOT Emphasis Areas, PD-14, FAC priorities



Background Information

Performance targets, cost estimates, year requested



Partnerships

P3's, Leveraging larger projects within CDOT



Statement of Need Opportunity to express value of project beyond defined metrics

Sample Call For Ideas

Insert your project freight needs and benefits statement here. This is the opportunity to present some of the qualitative and quantitative benefits that your project provides



CDOT FIP Emphasis Areas

Truck Safety

Contributes to safety improvements that reduce conflicts between trucks and passenger vehicles or obstacles, add shoulders or passing lanes, implement weather-related improvements, or provide safety information to travelers.



Truck Parking

Improves truck parking access and technologies in alignment with prioritized list of truck parking improvement projects as outlined in the CDOT truck parking needs assessment.



Freight Mobility

Project is directly connected to the reduction of freight network congestion and physical constraints to the movement of goods.

2) Project Scoring

Application (Quantitative/Qualitative)



Right-Sized w/ Accessible Data

All criteria draws from data publicly available or within CDOT



Objective Criteria & Transparent Scoring

Applicants can calculate score prior to submission



Grouped by Project Phase

Studies & Planning, Design & Construction



Linked to CDOT Goals

Truck Parking, Truck Safety, Truck Mobility

National Highway Freight Program (NHFP)
Project Application
Cycle Years: 2021-2022

COLORADO
Department of Transportation

Project Criteria

18. What is the *total* LOSS in the project corridor or adjacent area of influence?
IV

19. What is the total LOSS in the project corridor or adjacent area of influence?
IV

20. What is the percent of crashes involving a commercial vehicle (truck)?
80%-100%

21. Does the project implement any of the following to address issues in corridor (select all that apply)?
 a. Improves signage or pavement markings
 b. Improve roadway geometry or provide shoulder widening
 c. Add centerline or shoulder rumble strips
 d. Widen a shoulder that is 2' or less
 e. Install systems to improve truck driver behavior

22. Does the project provide other safety improvements to address known issues in the corridor?
Yes
If yes, describe:

23a. Evaluate the overall impact this project has on improving safety in the corridor or adjacent area of influence (applicant):

23b. Evaluate the overall impact this project has on improving safety in the corridor or adjacent area of influence (reviewer):

24. What is the Truck AADT within the corridor?
Urban, AADT-Med (10,000-15,000)

25. What is the VIC ratio within the corridor?
1.05 - 1.13

26. Does the project mitigate a low bridge vertical clearance? If yes, indicate bridge height.
Yes, Under 13 feet

27. Does the project remove any other geometric barriers for trucks?
Yes

28. Does the project mitigate a bridge weight limit restriction? If yes, indicate color code.
Yes, Black

29. Does the project achieve any of the following (select all that apply)?
 a. Take action to improve congestion at a bottleneck location identified in the current Freight Plan
 b. Mitigate an oversize/overweight restriction
 c. Separate at-grade crossings
 d. Add a passing lane

30. Does the project add other mobility improvements to address known issues in the corridor?
Yes
If yes, describe:

31a. Evaluate the overall impact this project has on improving mobility in the project area (applicant)?

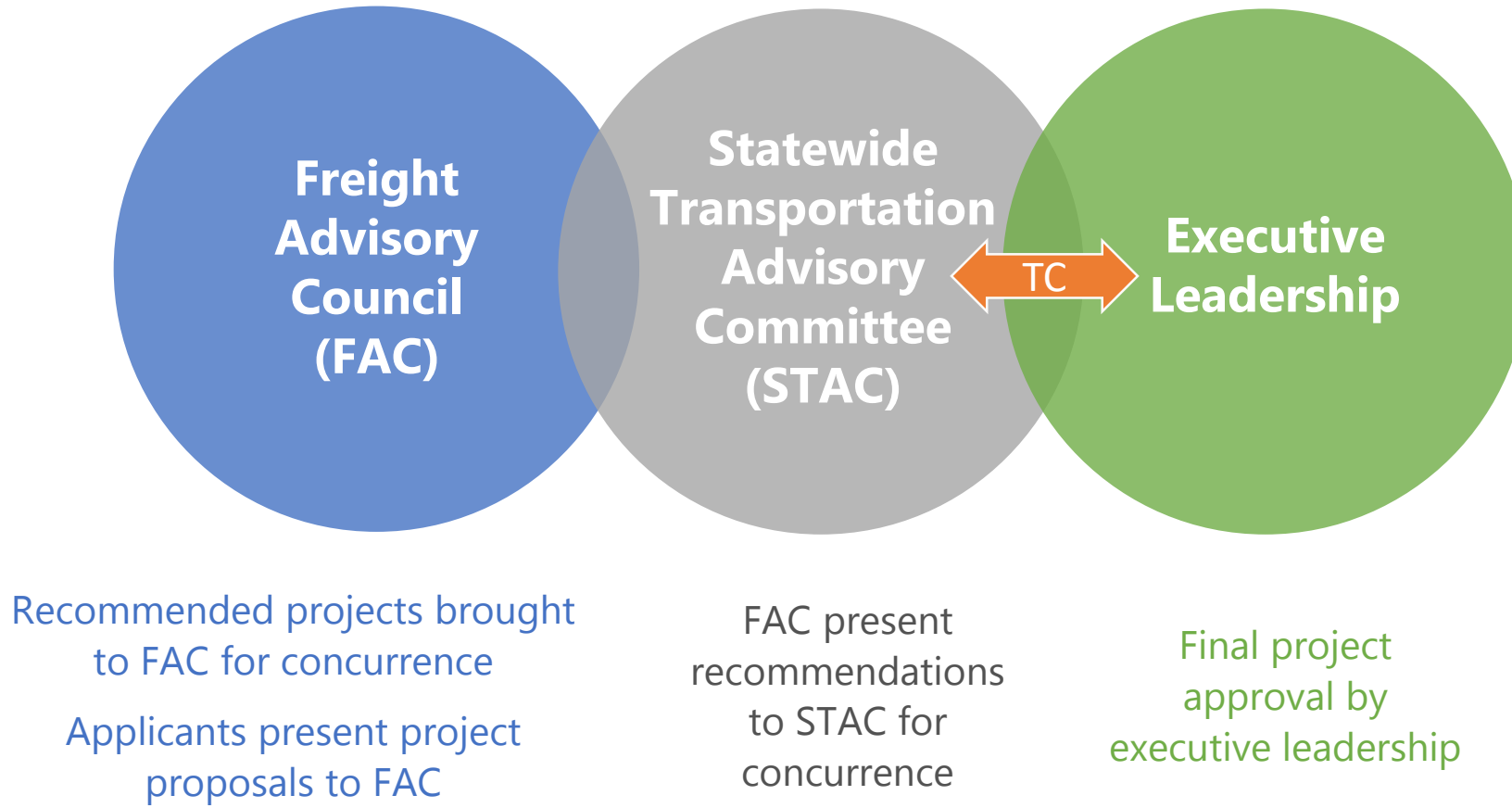
31b. Evaluate the overall impact this project has on improving mobility in the project area (reviewer)?

32. Does the project replace / rehabilitate the pavement? If yes, indicate pavement drivability life.
Yes, Low (<4 years)

Consistent and Streamlined Application Process

INDEX	ELEMENT	DESCRIPTION
1	Project Name	Name convention should be in accordance with the Project Development manual and be consistent through project life
2	Region	Type answer based on CDOT Transportation Region map
3a	Project Champion / Applicant (one point of contact)	Point of contact for application; this may or may not be the project manager
3b	Phone #	Phone number for point of contact
3c	Email	Email address for point of contact
4a	Project Manager	Name of project manager
4b	Phone #	Phone number for project manager
4c	Email	Email address for project manager
5a	Route (###X)	CDOT Route Number in the format of ###X; as listed in OTIS Highway Data Explorer
5b	Beginning Mile Post (X.XX)	Beginning reference mile post in the format of X.XX, carried to the hundredth of a mile; as listed in CDOT OTIS Highway Data Explorer
5c	Ending Mile Post (X.XX)	Ending reference mile post in the format of X.XX, carried to the hundredth of a mile; as listed in CDOT OTIS Highway Data Explorer
6	What phase is the project currently in?	Select most accurate statement from dropdown menu: Planning, Study, Design, Delivery
7a	Is this part of a larger project?	Select Yes/No from dropdown menu; defines if this is a stand-alone NHFP project or a component of a project
7b	If Yes, Total Project Cost Estimate	Provide Estimate of total project
7c	Project's Other Funding Source(s)	Provide additional funding sources

3) Stakeholder Input



Reporting and Monitoring

- Updated project progress information to be submitted bi-annually for the duration of the project

Pre-Construction Eval Form

Study, Planning

- Project Status
- Contract in-place Date
- RFP Release Date
- Project Closure Date
- Significant Project Updates

SAP

Design & Construction

- Project Status
- FIR Date
- FOR Date
- Early Ad Date
- Late Ad Date
- Construction End Date
- Project Closure Date

Next Steps for 2021

FY21 Call for Projects and Next Steps

- **Conduct NHFP Guidance Document Training**
 - Presentation and Voiceover
- **Official Call for Projects in February 2021**
 - Provides an opportunity to beta test newly developed application and selection process

Questions?

Craig Hurst
Manager
CDOT Freight Office

craig.hurst@state.co.us

Michelle Scheuerman
Senior Transportation Advisor
Multimodal Planning Branch

michelle.scheuerman@state.co.us

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.

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.

- 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 31st 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 6th 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: 6th 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

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.

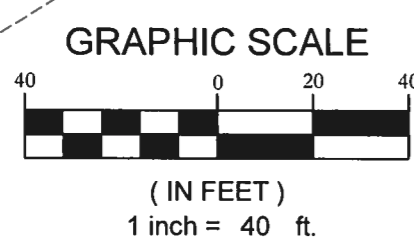
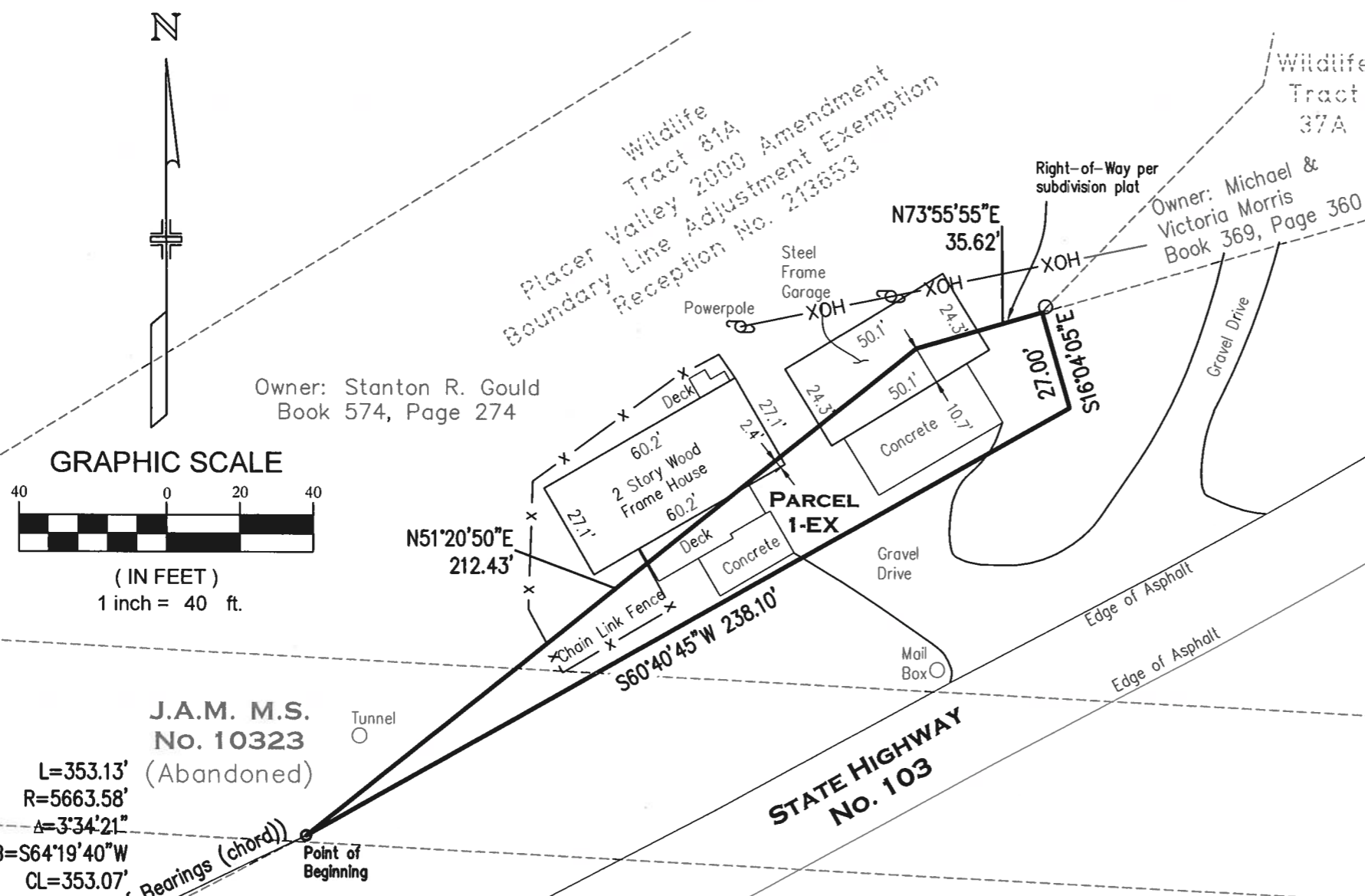
SURVEYOR'S CERTIFICATION:

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
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**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

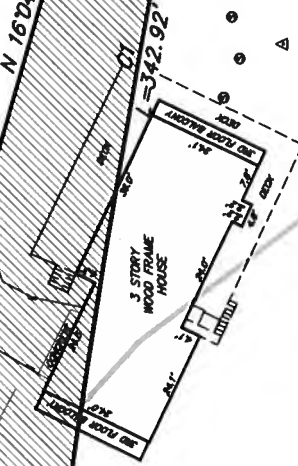
N 1744'31" E 105.62'
 N 16'04'08" E 101.33'
 N 1271'42" E 100.23'
 N 09'19'28" E 54.70'

S 35°22'53" E
 11.52'

S 35°22'53" E
 175.66'

LOT 20

SCALE: 1"=30'



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

PARCEL 1
 7,767 sq. ft.
 0.178 acres

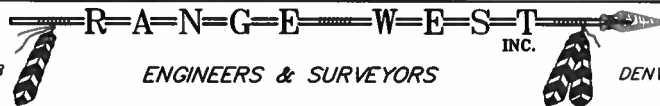
ALUM CAP
 PLS 8132

POINT OF BEGINNING
 S 84°11'41" W 35.27'
 N 83°46'57" W 49.27'

LEGEND

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

P.O. BOX 589
 SILVERTHORNE, CO 80498



ENGINEERS & SURVEYORS

PHONE 970-468-6281
 DENVER DIRECT 303-630-0426



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

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 6th 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 6th St, Rm 100
Grand Junction, CO 81501

COLORADO DEPARTMENT OF TRANSPORTATION			CDOT Permit No.
STATE HIGHWAY ACCESS PERMIT			320066
			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)
210 - Single-Family Detached Housing	1 DHV
149 - Boat/Rec. Vehicle Storage Facility	5 DHV
Additional Information: For parcel #s 1191-263-26-004 & 1191-263-26-003 (via easement)	

MUNICIPALITY OR COUNTY APPROVAL			
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.			
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.			
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: David & Mary Dewey	Print Name David & Mary Dewey	Date 6/12/2020 11:20 AM PDT	
Co-Permittee Signature: (if applicable)	Print Name	Date	

This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
Signature by: Brian Killian	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 MTCE Patrol	Inspector Traffic Engineer	Previous editions are obsolete and may not be used Page 1 of 3 CDOT Form #101 5/07
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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 1/10th 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:

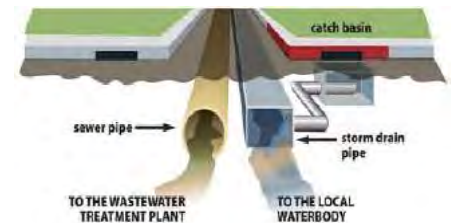
<https://www.codot.gov/business/permits/access/permits>

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

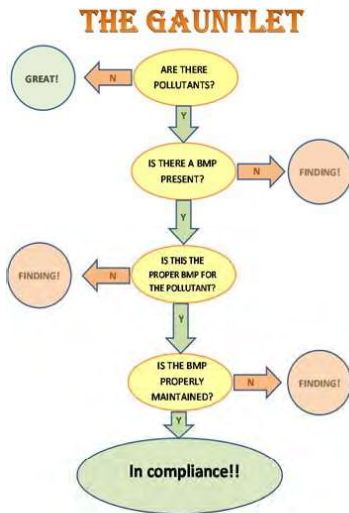
Industrial Facilities Program Elements:

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 (OAH), 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 OAH 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 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

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) David & Mary Dewey		2) Applicant or Agent for permittee (if different from property owner) David & Mary Dewey															
Street address 60 County Road 424		Mailing address PO Box 1363															
City, state & zip Grand Lake, Co, 80447	Phone # 303-265-1645	City, state & zip Granby, CO, 80446	Phone # (required) 303-265-1645														
E-mail address ddewey@stephills.com		E-mail address if available															
3) Address of property to be served by permit (required) 9405 US Highway 34, Grand Lake, Co 80447																	
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 12.5%;">county</td> <td style="width: 12.5%;">subdivision</td> <td style="width: 12.5%;">block</td> <td style="width: 12.5%;">lot</td> <td style="width: 12.5%;">section</td> <td style="width: 12.5%;">township</td> <td style="width: 12.5%;">range</td> </tr> <tr> <td>Grand</td> <td>Farview</td> <td></td> <td>3</td> <td>26</td> <td>3 North</td> <td>76 W. of 6PM</td> </tr> </table>				county	subdivision	block	lot	section	township	range	Grand	Farview		3	26	3 North	76 W. of 6PM
county	subdivision	block	lot	section	township	range											
Grand	Farview		3	26	3 North	76 W. of 6PM											
5) What State Highway are you requesting access from? 34		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? 0 feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: Dillie Docks access															
8) What is the approximate date you intend to begin construction? 9/23/2019																	
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 storage																	
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: _____ attached platt; Neighbor has an easment access.																	
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														
Storage		Beacon Landing storing boats															
16) If you are requesting residential development 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 12	# of multi unit trucks at peak hour volumes														
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	Total count of all vehicles 12															

Previous editions are obsolete and may not be used

Page 1 of 2 CDOT Form #137 01/10

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. | e) Subdivision, zoning, or development plan. |
| b) Highway and driveway plan profile. | f) Proposed access design. |
| c) Drainage plan showing impact to the highway right-of-way. | g) Parcel and ownership maps including easements. |
| d) Map and letters detailing utility locations before and after development in and along the right-of-way. | 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.


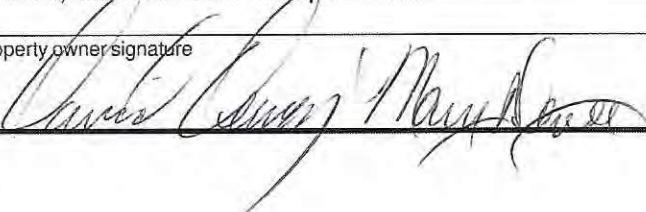
Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

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.

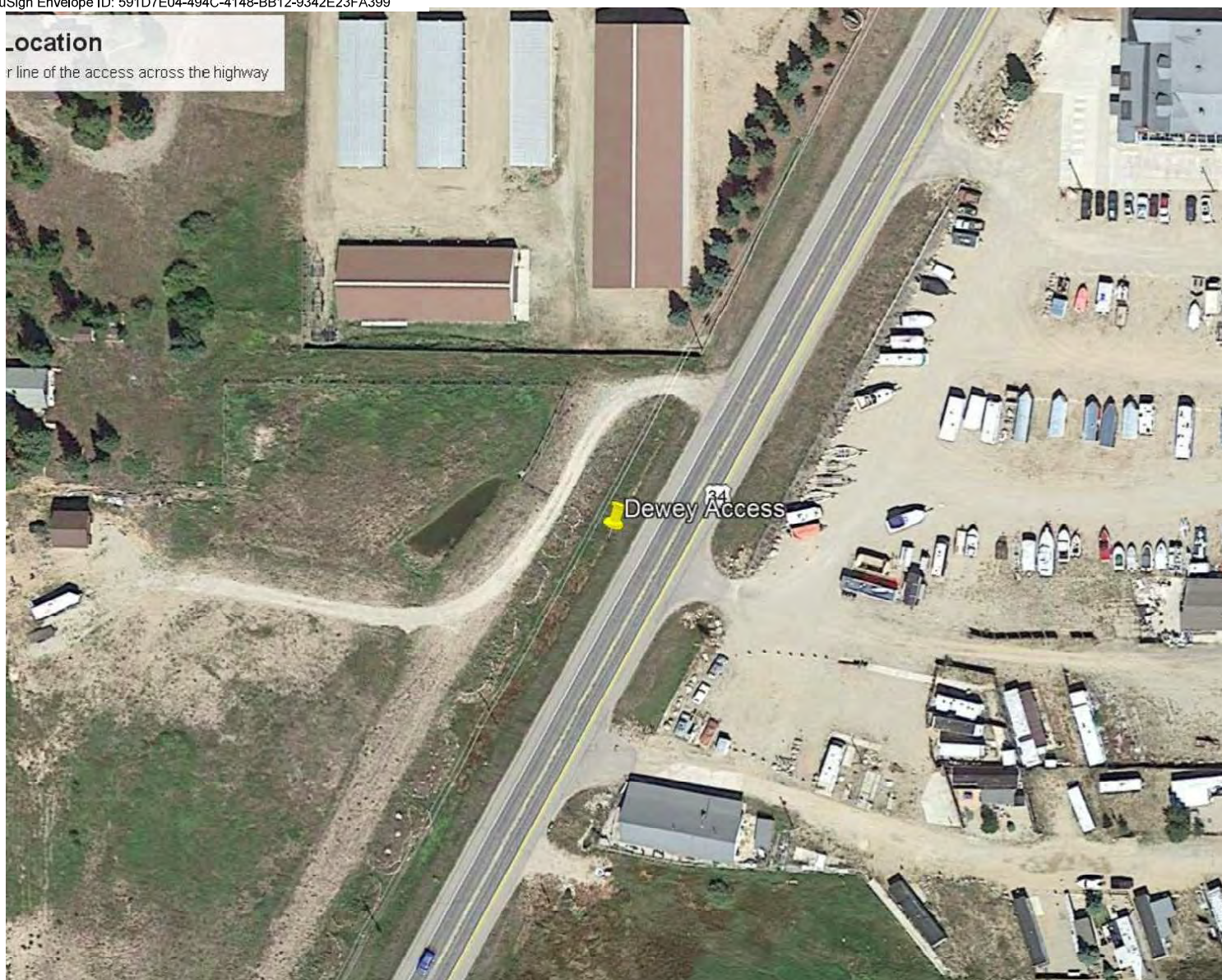
The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

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
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

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.





Date: January 20, 2021

To: High-Performance Transportation Enterprise Board / Colorado Transportation Commission

From: Piper Darlington, HPTE Special Projects Manager; Andrew Gomez, HPTE General Counsel

Subject: Mountain Express Lane Intra-Agency Agreement

Purpose

The purpose of this memorandum is to summarize the draft Intra-Agency Agreement (“IAA”) among CDOT and HPTE for the I-70 Mountain Express Lanes (“MEXL”) Project.

Action

Staff is seeking TC approval of the resolution authorizing the execution of the eastbound and westbound I-70 MEXL Project IAA.

General Background on CDOT-HPTE Project Intra-Agency Agreements

IAAs between CDOT and HPTE document the substantive terms of how CDOT and HPTE work together and allocate rights and responsibilities on shared projects. State law and best practices require an IAA for each project. IAAs can include provisions re: administrative payment procedures, commercial loan terms (if any), process for requesting a back-up TC loan (if any), terms governing shared operations as well as allocation of operations and maintenance costs.

History of the I-70 Mountain Express Lanes

In December 2014, HPTE borrowed \$25 million from Banc of America to help complete the I-70 MEXL Eastbound Project. In order to assist HPTE in securing more favorable loan terms needed for the project, CDOT entered into the Eastbound MEXL IAA in order to provide credit support to HPTE. As is the case on each of its projects, HPTE and CDOT entered into that IAA following a similar format and containing certain substantive provisions, including the backup loan structure. More recently, in October 2019, HPTE and CDOT entered into the Westbound MEXL IAA to account for pre-completion tolling operations. Now, with westbound MEXL nearing completion and eastbound in operation, HPTE and CDOT desire to consolidate both westbound and eastbound into one IAA and to account for HPTE’s refinance effort of the Banc of America debt. Upon execution of this IAA, the 2014 eastbound IAA and the 2019 westbound IAA will be terminated.

Because the 75-page loan agreement is between HPTE and Wells Fargo Municipal Capital Strategies, it is being presented to the HPTE Board for approval. However, it is included as Exhibit B to the attached IAA for TC review.



Key Provisions of the IAA

Below is a summary of several key areas that are important for the Commission to take into consideration while reviewing the attached IAA (Attachment A) and resolution (Attachment B). The IAA and resolution:

- (1) Incorporate an allocation of financial responsibility related to Operations & Maintenance (O&M).
 - a. Sets forth that HPTE is responsible for operating and maintaining the constructed Express Lanes and CDOT maintains O&M responsibility for the general purpose lanes. Notably, this is the first IAA that changes the model for how O&M payments are calculated and processed. Previously, CDOT invoiced HPTE for all O&M based on a calculated share of Express Lane vehicles versus general lane vehicles. After proving cumbersome for both HPTE and CDOT staff, the Parties have decided that CDOT will provide HPTE a Scope of Work outlining the services to be rendered for the upcoming year. HPTE will then pay CDOT to conduct the services annually. The arrangement is similar to HPTE's Fee for Service agreement that it enters into annually with CDOT, but in the reverse.
- (2) Recognizes that future Transportation Commissions will not be bound by budgetary and policy decisions made by the current TC.
 - a. Stipulates that the current TC cannot allocate and transfer future state highway funds for a loan to HPTE.
 - b. Sets forth that any decision as to whether or not to allocate and transfer such funds to HPTE shall be made by the TC in the year in which the HPTE request occurs.

Stipulates that in the event the TC elects to make a loan to HPTE in order to satisfy any of the O&M obligations under the IAA, CDOT may not use Federal-aid highway funds to satisfy any expenses related to the operations and maintenance of either Express Lane project.

Options / Decision Matrix

1. **Staff Recommendation:** Approve the IAA. CDOT and HPTE will execute the IAA, and tolling will commence in early spring for the Westbound Mountain Express Lane.
2. Do not approve the IAA. Reject the IAA, explaining that Staff should work to revise certain provisions in the agreement. Staff will return in February with a revised IAA for approval.

Attachment

LINK: I-70 Mountain Express Lane Project Intra-Agency Agreement



Date: January 20, 2021

To: High-Performance Transportation Enterprise Board / Colorado Transportation Commission (TC)

From: Nick Farber, Director, HPTE, Simon Logan, HPTE Liaison and Program Coordinator

Subject: Updated HPTE and CDOT Memorandum of Understanding

Purpose

The current HPTE and CDOT MOU is seven years old and was signed in 2013. Following a review of governance documents during the 2020 HPTE Board Retreat, HPTE Board Members directed HPTE staff to develop a revised MOU with CDOT.

Background

The current MOU between HPTE and CDOT is outdated and centers on clarifying the role between the Office of Major Project Development (OMPD) and HPTE. HPTE assumed the roles and responsibilities of OMPD in 2017. Since then, HPTE has matured into a dedicated P3 office with 108 lane miles of Express Lanes in Operation and 115 under construction.

The revised MOU concentrates on the services HPTE and CDOT offer and how we coordinate. It looks at the relationship at a high level and references other agreements, like IAA's. As HPTE has grown into a successful tolling operator, challenges and growing pains have emerged around operations and maintenance of Express Lanes.

The MOU does not address these directly. Instead, it refers to a new IAA that HPTE and CDOT staff are developing to address the challenges both organizations face, which HPTE and CDOT staff hope to bring to the TC and HPTE Board later in 2021.

The MOU includes the following articles:

1. General Provision
2. HPTE's Value to the State and CDOT
3. HPTE Services
4. CDOT Services
5. CDOT and HPTE Coordination
6. Operations, Maintenance, Rehabilitation of Express Lane and Tolling Equipment
7. Procurement
8. CDOT Policies and Procedures (HPTE adopts all existing policy and procedure directives)
9. Termination

The attached MOU is the product of many months of effort to define the update the operating relationship between HPTE and CDOT. HPTE staff developed this updated MOU in closed consultation with the CDOT Executive Management Team, which approved this version in December 2020.



Action

The TC and HPTE Board is asked to approve the proposed updated HPTE and CDOT MOU included in Attachment B.

Options / Decision Matrix

1. Staff Recommendation: Approve the revised HPTE and CDOT MOU.
2. Review but do not approve the MOU. Provide instructions on changes or revisions.

Attachments

- A. TC #
- B. New HPTE and CDOT MOU (2021).
- C. Existing HPTE and CDOT MOU (2013) for comparison.

MEMORANDUM OF UNDERSTANDING

By and between the

COLORADO DEPARTMENT OF TRANSPORTATION

AND

HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

THIS AMENDED MEMORANDUM OF UNDERSTANDING, entered into as of the ____ day of _____, 2020, by and between the Colorado Department of Transportation (“CDOT”), an agency of the State of Colorado (“State”), and the High Performance Transportation Enterprise (“HPTE”), a government-owned business created as a Division of CDOT by the “Funding Advancements for Surface Transportation and Economic Recovery Act of 2009” (“FASTER”). CDOT and HPTE are referred to in this Memorandum of Understanding individually as a “Party” and jointly as the “Parties”.

RECITALS

WHEREAS, CDOT has the responsibility to plan, develop, construct, coordinate, and promote an integrated transportation system within the State; and

WHEREAS, the General Assembly of the State found and determined in FASTER (Section 43-4-806(1), C.R.S.) that:

- (a) It is necessary, appropriate and in the best interests of the State to aggressively pursue innovative means of more efficiently financing important surface transportation infrastructure projects that will improve the safety, capacity, and accessibility of the surface transportation system; and
- (b) The HPTE should actively seek out opportunities for public-private partnerships for the purpose of completing surface transportation infrastructure projects; and
- (c) The authority of the HPTE should be broadly construed to allow HPTE sufficient flexibility, consistent with the requirements of the state constitution, to pursue any available means of financing such surface transportation infrastructure projects that will allow the efficient completion of the projects; and

(d) The types of innovative financing opportunities include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

WHEREAS, FASTER (Section 43-4-806(2), C.R.S.) created an HPTE board (“Board”) and the Board adopted on November 17, 2010, Articles of Organization (as amended from time to time “Articles of Incorporation”) and Bylaws (as amended from time to time “Bylaws”) providing for its operation and management and setting forth its powers; and

WHEREAS, FASTER (Section 43-4-806(2)(d), C.R.S.) provides that the HPTE shall constitute an “enterprise” for purposes of section 20 of article X of the State Constitution so long as it receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined; and

WHEREAS, the funding for HPTE is expected to be derived from multiple sources including toll revenues, work and fee for service and completion fee agreements with CDOT and other entities, concession fees, bond issuance fees, federal funds, and loans from the Transportation Commission; and

WHEREAS, FASTER (Sections 43-4-806(2)(c), 6(f) and (h), C.R.S.) authorizes HPTE to enter into agreements with the Transportation Commission or CDOT in furtherance of the purposes for which HPTE was created; and

WHEREAS, CDOT and HPTE have determined that it will advance and promote the respective missions of CDOT and HPTE to define and set forth in this Memorandum of Understanding their operating roles and responsibilities as they relate to those missions.

NOW, THEREFORE, in consideration of the mutual covenants, obligations, and conditions expressed below, the Parties understand and agree as follows:

Article One

General Provisions

1.1 Definitions. Terms defined in FASTER (Section 43-4-803, C.R.S.) have the same meanings when used in this Memorandum of Understanding.

1.2 Effective Date and Term. This Memorandum of Understanding shall be effective immediately upon its execution and shall continue in effect until terminated in accordance with its terms.

1.3 Termination of Prior Memorandum Of Understanding. This Memorandum of Understanding constitutes the entire agreement between the Parties and terminates and supersedes any and all prior agreements.

Article Two

HPTE's Value to the State and CDOT

2.1 Colorado's highway infrastructure is severely congested and, in many areas, it is more than 50 years old and in need of repairs and maintenance. The rapid growth of Colorado's population points to even greater congestion in the decades ahead unless innovative ways to accelerate key projects are pursued.

2.2 As Colorado faces the realities of aging infrastructure, rapid population growth, and budgetary shortfalls, HPTE is a key means of exploring and developing innovative ways to address these challenges.

2.3 HPTE was formed to aggressively pursue innovative means of more efficiently financing important surface transportation infrastructure projects. Since the creation of the Enterprise, nine out of ten HPTE projects have used some form of innovative financing. Innovative financing enabled by HPTE, through Express Lanes, has helped deliver more than \$3 billion in projects in five years (2014-2019).

2.4 Without the use of Express Lanes as a financing tool, the state of Colorado would have had to find an additional \$1.27 billion in funds to deliver these projects. Otherwise, the projects would have been significantly delayed, the scope would have been reduced substantially, or money would have been reallocated from other projects around the state to fill the funding gaps. Without the use of Express Lanes as a financing tool, HPTE and CDOT would not have been able to deliver nine projects in five years, totaling more than \$3 billion in project value.

2.5 Instead, without tolled Express Lanes, CDOT would have been able to deliver one, or possibly two, of the projects, with a value well under \$1 billion.

Article Three

HPTE Services

3.1 Overall program management including the establishment of policies, strategic master planning, communications and marketing, establishment of procedures and budget planning and reporting.

3.2 Provide the necessary resources, in coordination with other CDOT divisions, and CDOT regions, for a unified management structure for the development and implementation of major projects. Major projects are defined as (i) projects involving public-private partnerships, other financing requiring the powers of HPTE, or other powers vested to HPTE pursuant to 43-4-806(6) C.R.S.; (ii) projects involving toll operations, technologies and equipment; or (iii) projects with non-traditional or innovative contracting methods requiring or otherwise benefitting from the centralized management or expertise of HPTE, to be determined by the Chief Engineer of CDOT (Chief Engineer), in coordination with the Director of HPTE as appropriate.

3.3 In order to determine the feasibility of candidate major projects as defined above, HPTE will lead the following development activities, which may occur concurrently with CDOT services identified below:

- A. Traffic and revenue studies, value-for-money analyses and overall financial planning and feasibility;
- B. Recommendation of a project delivery structure to pursue based on the outcome of item A.
- C. Industry engagement, procurement, bidder selection, contract development, negotiations, contract award and monitoring.

3.4 HPTE support will come from full time employees, participating staff from appropriate CDOT divisions and regions on an as needed basis, and consultants as necessary to support the HPTE programmatic and project specific efforts.

3.5 In addition to working with CDOT to develop major projects, HPTE will also engage the private sector through its unsolicited proposal program. In November of 2020, the HPTE Board adopted a revised unsolicited proposal policy (superseding the 2019 version) for the acceptance and evaluation by CDOT and/or HPTE of unsolicited proposals involving potentially eligible major projects, which policy provides that HPTE shall be the sole entity within CDOT to receive and evaluate unsolicited proposals for any such projects which are expected to offer innovative and efficient means of completing surface transportation infrastructure projects or generate revenue and/or other value that will enable HPTE to better pursue its legislative mandate.

3.6 Funding for HPTE programmatic work and Express Lane operations will come from user fees generated on HPTE Express Lanes, Intra agency Agreements (IAA) entered into between CDOT and HPTE, including the annual Fee for Service IAA, as well as loans from the Transportation Commission that may be requested by HPTE under eligible agreements such as the Tolling Equipment Finance Agreement.

3.7 HPTE will prepare an annual budget, including travel plan, in the format and by the deadlines set by the CDOT Office of Financial Management and Budget (OFMB)

each year. HPTE agrees to coordinate the development of the budgets to assure consistency and completeness. This coordination does not limit the HPTE Board's authority during the fiscal year to adjust its budget as it deems necessary so long as those actions do not exceed annually available revenues, nor does it limit the Board's authority to delegate budget authority to the Director.

3.8 The HPTE annual budget may contain a request for a CDOT loan to fund staff positions and other program costs.

3.9 Pursuant to the statutory requirements of FASTER and except as the terms of any relevant project-specific agreements may otherwise require, HPTE shall use available revenues to repay CDOT loans at the discretion of the Board. Furthermore, at the discretion of the Board and based on the HPTE annual budget, excess revenue derived from project-related operations may be retained by the HPTE in the statewide transportation enterprise operating fund or the transportation special fund, pursuant to 43-4-806(4), after fulfillment of all appropriate obligations, for HPTE priorities and for the sustained operations of the HPTE.

3.10 In addition, the HPTE Director is also responsible for developing and implementing operating procedures and protocols and for communicating with and reporting to the Executive Director and Transportation Commission and to the HPTE Board, as outlined in the P3 Management Manual.

Governance

3.11 The HPTE Board of Directors, which provides oversight of HPTE activities, consists of three members of the Transportation Commission (TC) and four members appointed by the Governor from each of the following geographic areas: (1) the planning area of the Denver Regional Council of Governments (DRCOG), (2) the planning area of the North Front Range Metropolitan Planning Organization (NFRMPO), (3) the planning area of the Pikes Peak Area Council of Governments, and (4) the I-70 Mountain Corridor area. To provide continuity, the Directors term expiration dates are staggered every two years. The HPTE Board of Directors generally meets on the third Wednesday of every month at CDOT Headquarters (2829 W. Howard Place, Denver). These meetings are open to the public under the Colorado Open Meetings Law.

Article Four

CDOT Services

4.1 HPTE may, with the approval of and subject to such conditions as are imposed by the Executive Director, utilize the professional and administrative services of CDOT employees or agents and CDOT facilities in connection with its authorized activities.

4.2 In order to determine the feasibility of candidate major projects as defined above, CDOT will lead the following development activities, which may occur concurrently with HPTE services identified above:

- A. Project scoping, conceptual design and preliminary environmental evaluations;
- B. Input from affected stakeholders and the public to identify prioritized list of surface transportation projects by region e.g. Your Transportation Plan.
- C. Identification of available project funding.
- D. Leading the NEPA process on identified projects

4.3 Specific services CDOT will provide to the HPTE include but are not limited to accounting and budget support. CDOT's Chief Financial Officer (CFO) will act as the Chief Financial Officer for HPTE and ensure, among other things necessary for its ongoing budgetary and accounting needs, that HPTE's annual budget, budget supplements, ongoing accounting, and annual audited financial statements are prepared timely and correctly in accordance with FASTER and this Memorandum of Understanding. The CFO will ensure that accountants and budget analysts within the Division of Accounting and Finance assigned to support the HPTE will develop the specialized policies, procedures, and expertise required to meet the needs of HPTE.

4.4 CDOT staff will support HPTE with the preparation of contracts, Intra-Agency Agreements (IAA's) and Intergovernmental Agreements (IGA), the execution of task orders, the creation of purchase orders, the encumbrance of funds whether or not the state procurement code, or applicable Federal Purchasing Rules, are followed or not by HPTE, as long as they meet the HPTE Boards Guidelines and the state's fiscal rules. HPTE is exempt from state procurement laws, policies, and guidance. This is to allow flexibility to implement P3 projects in the most efficient and cost-effective manner.

4.5 CDOT Office of Communications will support HPTE staff and consultants in establishing a broad understanding among key stakeholders and members of the general public of HPTE's mission, its policies and procedures, and how the HPTE is improving mobility in the state, particularly through the use of Express Lanes. The CDOT communications team also provides direction and support to HPTE consultants on outreach at key phases of Express Lane project delivery, e.g. communications related to tolling equipment testing and commencement.

4.6 HPTE will reimburse CDOT, at CDOT's regularly burdened rates, for any administrative services provided by CDOT, its employees or agents. To the extent reimbursement is not immediately forthcoming and the funds expended by the Transportation Commission derived from the state highway fund, pursuant to FASTER (section 43-4-806(d)(4), C.R.S.) the value of such services or facilities shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could be interpreted to require a contrary conclusion, constitute a loan from the Transportation Commission to HPTE.

Governance

4.7 The state's transportation system is managed by the Colorado Department of Transportation under the direction of the Transportation Commission of Colorado. The commission is composed of 11 commissioners who represent specific districts.

4.8 Each commissioner is appointed by the governor, confirmed by the senate, and serves a four-year term. To provide continuity, the commissioners' term expiration dates are staggered every two years.

4.9 Under state law, the powers and duties of the Transportation Commission of Colorado include:

- Formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state;
- Advising and making recommendations to the governor and the General Assembly, relative to transportation policy; and
- Promulgating and adopting CDOT's budgets and programs, including construction priorities and approval of extensions or abandonment of the state highway system. (The General Assembly appropriates the administrative budget for the Department.)

Article Five

CDOT and HPTE Coordination

5.1 The Board has the authority to establish policies for HPTE under which it will identify and prioritize HPTE projects and make and enter into agreements and contracts with private entities for the financing, design, construction, operations and maintenance of surface transportation infrastructure projects. Nevertheless, as a division of CDOT, HPTE must coordinate and integrate its mission with CDOT in the fulfillment of its duties and the exercise of its powers

5.2 As of 2020, HPTE had 108 lane miles of Express Lanes in operation and an additional 115 under construction and due to come online by 2023 to help address

congestion across the Front Range area. As a result of this growth, additional staff are required to monitor, manage, and maintain these facilities when they come online. CDOT will support HPTE with current and future staffing needs by helping identify full-time equivalent (FTE) positions that are vacant and could be used to support the expanding Express Lanes Network oversight, operations, maintenance, and management with the recognition that there might not be FTEs to transfer at the time of the request because of, but not limited to, HPTE or CDOT budget, lack of FTEs to transfer, or higher priority CDOT staffing needs. HPTE and CDOT will work together to develop an appropriate staffing plan that meets the needs of the growing Express Lanes Network and will meet on a yearly basis to discuss staffing needs.

Intra Agency Agreements

5.3 The majority of Intra Agency Agreements (IAAs) between CDOT and HPTE are for allocating the rights and responsibilities of the overall business relationship on specific shared projects, which may encompass planning, construction and post-construction duties between the parties. IAAs may include the anticipated funding sources for the project, any fees to be paid to HPTE for services for completing the financing for the project or otherwise, the rights and obligations of the parties with respect to the assets to be acquired, and such other matters as may be appropriate in the circumstances.

5.4 In addition, projects under construction that include financing obligations HPTE has assumed responsibility for, will include a section in the IAA which enumerates CDOT's responsibilities to HPTE if there are delays associated with the project. Specifically, CDOT shall be liable for costs incurred by HPTE that are the direct result of a project delay (except if the delay is caused by HPTE). Costs may include, but are not limited to, debt service, operation and maintenance costs, reserve fund costs, or other financing related costs.

Article Six

Operations, Maintenance, and Rehabilitation of Express Lanes and Tolling Equipment

6.1 HPTE's revenue generation on operating Express Lanes is crucial to its ability to repay the debt incurred to construct the facility and to create trust among those who choose to use them. If tolling equipment is non-functioning or an Express Lane is closed, it can negatively impact the HPTE's ability to repay the debt as well as its ability to provide reliable trips to its customers. Therefore, CDOT shall make every effort to

work with HPTE to prioritize operations, maintenance, and rehabilitation work to either minimize or eliminate any revenue loss or impacts to Express Lane users.

6.2 HPTE and CDOT agree to execute operations, maintenance, and rehabilitation (OM&R) IAA to specify areas of responsibility, acceptable repair and lane closure time frames, preventative maintenance, and reasonable reimbursement for CDOT costs. To the extent reimbursement is not immediately forthcoming and the funds expended by the Transportation Commission derived from the state highway fund, pursuant to FASTER (section 43-4-806(d)(4), C.R.S.) the value of such services or facilities shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could be interpreted to require a contrary conclusion, constitute a loan from the Transportation Commission to HPTE.

6.3 The Express Lanes exist adjacent to the free General Purpose Lanes and as such are monitored by staff in the Traffic Operations Center. For the Express Lane corridors monitored by HPTE (including HPTE contractors), traffic monitoring activities will be performed in conjunction with CDOT who are monitoring non-Express Lane corridors. As needed, due to accidents, incidents or inclement weather, HPTE may be called upon to assist CDOT in monitoring non-Express Lane corridors. For the Express Lane corridors monitored by HPTE, CDOT will monitor the Express Lanes during the times when the HPTE are not scheduled to work, i.e. weekends or after hours. HPTE time shall be paid by HPTE. CDOT staff time monitoring the Express Lanes will be reimbursed by HPTE per Section 4.6 above.

Article Seven

Procurement

7.1 The State Procurement Code is not applicable to HPTE and in order to facilitate its pursuit of public-private partnerships and other innovative and efficient means of financing surface transportation infrastructure projects, the HPTE Board adopted a revised Unsolicited Proposal Policy in 2019 to identify new revenue generating ideas for the state. The Unsolicited Proposal Policy is attached as Attachment X.

7.2 The parties agree that the HPTE will coordinate its procurement processes with the CDOT Center for Procurement and Contract Services and other CDOT entities that support the processes of contracting and procuring for goods and services. CDOT procurement, and other internal entities that are components of a procurement process, will support the preparation of contracts and the encumbrance of funds for the HPTE whether or not the state procurement code is followed by the HPTE so long as they meet the HPTE Board's Guidelines and the state's fiscal rules.

7.3 HPTE will abide by the State Procurement Code if it is deemed appropriate by the HPTE Director and the CDOT CFO for CDOT to be a party to the contract.

7.4 The parties agree that if either of the following will occur, HPTE will use the modified procurement process related to unsolicited proposals set forth in the HPTE Unsolicited Proposal Policy (2020).

7.5 CDOT has the ability to utilize personal services or goods procured by HPTE for CDOT projects provided the cost is reflected in the Fee for Service IAA.

7.6 The parties agree that HPTE will utilize CDOT processes and procedures for the procurement of any professional services.

7.7 The parties agree the procurement for outside legal services will be done by HPTE in coordination with the Attorney General's office.

Article Eight

CDOT Policies and Procedures

8.1 The parties agree that only the CDOT Policy and Procedural Directives listed on Attachment C shall apply to HPTE; except as they may be superseded by the terms of this Memorandum of Understanding. The Board will pass a Resolution adopting the Policy and Procedural Directives listed on Attachment A

8.2 Future Policy and Procedural Directives adopted by the Transportation Commission shall not apply to HPTE unless the HPTE Board adopts them by Resolution.

Article Nine

Termination

9.1 This Memorandum of Understanding may be terminated at any time by mutual agreement of the parties.

Article Ten

Amendments

10.1 Amendments to this Memorandum of Understanding must be in writing and must be duly authorized and approved by the Transportation Commission and the Board.

SIGNATURE PAGE

Effective this _____ day of _____, 2021.

Shoshana Lew, Executive Director, Colorado Department of Transportation

Nicholas Farber, Director, High Performance Transportation Enterprise

Attachment A

Policies and Procedural Directives

Hazardous Materials Routing Procedure	1903.1
Hazardous Materials Routing Policy	1903.0
Comprehensive Accessibility for Persons with Disabilities	605.0
Policy on Non-Discrimination	604.0
Title VII Procedures to Address Employee Discrimination Complaints	600.6
Equal Employment Opportunity and Affirmative Action	600.0
Construction Project Standard Plans (M & S Standards)	513.2
Construction Project Specifications	513.1
Requirements for Storm Drainage Facilities and Municipal Separate Storm Sewer System Facilities	501.1
Out of State Travel	207.2
In State Travel	207.1
CDOT Requirements for Workers' Compensation, Accident Reporting, and Claim Handling	89.1
Risk and Insurance Management	89.0
Drug and Alcohol Testing	81.1
Confined Spaces Entry	80.9
Accident Review Board	80.3
Personal Protective Equipment (Including Respiratory Protection Program)	80.1
Employee Safety Program Excellence in Safety	80.0
Website and Webpage Development and Management	31.1
CDOT Facility Access Control	28.1
Use of Computer and Internet Including Social Media and Email	27.1
Rule Making Procedural Directive	20.1
Rule Making Policy Directive	20.0
Notification of Division Authority When Out of State or on Vacation	18.1
Regional Transportation Director Authority for Administrative Settlement of Construction Contract Claims	16.0
Employee Wellness Program	15.1
Policy Guiding Statewide Plan Development	14.0
Workplace Accommodations for Nursing Mothers	12.1
Communicating with the Media on Behalf of CDOT	11.2
Expressing the DOT Position on Policy Matters	11.0
Workplace Violence Procedural Directive	10.1
CDOT Heavy Fleet Management	9.2
CDOT Light Fleet Management	9.1
Equipment Management	9.0
Audit Division Policy	4.0
CDOT Values	2.0
Creating & Updating & Procedural Directives & PD Flow Chart	1.1
Policy Directives & Procedural Directives	1.0
Policy Prohibiting Sexual Harassment	603.0
Colorado State Infrastructure Bank (SIB)	720.1

State/R.R. Contracts and State/Local Entity/R.R. Contracts	500.5
ADA and PWFA Accommodation Procedures	602.1
Noise Mitigation Policy	1900.0
Snow Removal on State Highways	1055.0
Education and Professional Development Reimbursement	1262.1
CDOT Policy on Air Quality	1901.0
Removal and Disposal of Wildlife Carcasses from State Highways & ROW	1005.1
Flextime	1230.1
CDOT Water Quality Compliance	1902.0
Adopt-A-Highway Volunteer and Sponsorship Programs	1006.1
Grants from the Leave Bank and the Military Leave Bank	1204.1
Annual Budget, Project Budgeting and Cash Management Principles	703.0
Employee Driver's License Requirements	1222.1
Elevating Bicycle and Pedestrian Opportunities in Colorado	1602.1
Rockfall Management Policy	1004.0
Maintaining Linear Referencing System	1606.1
Flex Place	1230.4
Employee Organization Access	1205.1
Inclement Weather	1240.1
Service of Legal Action and Contact with Outside Attorneys	19.1
General Leave	1204.2
Disposition of Excess Land	1300.0
CDOT Cost Savings IDEA Incentive Program	1207.1
Maintaining Linear Referencing System	1606.0
Interchange Approval Process	1601.1
Professional Engineers Stamp	508.1
Security and Confidentiality of the Engineer's Detailed Estimate	511.1
Rail Corridor Preservation Policy	1607.0
Interchange Approval Process	1601.0
Promptly Reopening Roadway to Traffic	1510.1
State Memorial Signing for Private Citizens	1501.1
CDOT University (CDOTU) Administration	1260.0
Product Evaluation & Experimental Features	1401.1
Memorial Naming and Designations	1503.0
Compensation for Overtime, on-call, call-back, Shift Differential, and Compensatory Time	1230.2
Contracts with Local Agencies for Maintenance of State Highways	1050.1
Outside Employment and Outside Business Interests	1200.2
Printing Center Services and Forms Management	52.1
Requirements for the Retention of Records for Specified Design, Construction, Engineering, and Specialty Groups (Paper and Electronic)	21.1
Shoulder Policy	902.0
Reporting and Investigating Cash Shortages or Thefts Renumbered from 201.1	206.1
Retention of Documents	51.1
Guide Signing Practices and Procedures	1500.0

Elevating Bicycle and Pedestrian Opportunities in Colorado	1602.0
Property Management Funds Allocation	60.1
Priorities and Level of Service for Snow and Ice Control	1055.2
Workplace Violence	10.0
CDOT University (CDOTU) Administration	1260.1
Division of Authority over State Highways within Cities, Cities & Counties, and Incorporated Towns	1050.0
Construction Public Notification Policy	1604.0
Mobile Device Procedure	46.1
Fuel Controls for CDOT Fleet	6.0
Family Medical Leave Program	1206.1
Anti-Trust Monitoring and Detection Program	302.1
Managed Lanes Policy	1603.0
Anti-Trust Monitoring and Detection Program	302.0
Obtaining and Modifying Professional Services Contracts	400.1
ADA Accessibility Requirements in CDOT Transportation Projects	605.1
National Environmental Policy Act Compliance	1904.0
Procurement Violations	3.1
CDOT's Colorado Open Records Act Procedure	25.1
Evaluation of Proposals and Bids Submitted for CDOT Engineering Contracts	303.2
Procedures to Address Sexual Harassment in the Workplace	603.1
Interregional Express Bus Service Program	1605.0
Procedures Governing CDOT's Outdoor Advertising Program	1501.2
Employment Screening	1200.4
Traffic Control for Planned and Unplanned Work	1502.1
BE Oversight of FASTER Funding for State Bridges	16.0
BE Management of FASTER Revenue and Selection of FASTER Bridge Projects	16.1
Policy Governing the Efficient Use of FASTER Revenue	704.0
Financial Management of FASTER Revenues	704.1
FASTER Safety Mitigation Program	1504.1
FASTER Transit Program	1608.1
Asset Management Program Use of FASTER Funds	1608.2
Landscaping with CO Native Plant Species and Managing the CO Pollinator Highway	503.1
CDOT Public Private Partnerships for Fiber Optic Cable and Conduit	1504.2
Contact Requirements for Maintenance Employees and Designated Essential Personnel Required to Respond to Emergencies	8.1
Office Space Allocation	2.1
CDOT Use of Unmanned Aircraft Systems (UAS)	70.1
Avalanche Mitigation Operations	9.3
Transportation Safety Protocol	80.0
CDOT Heavy Fleet Management Protocol	9.2
CDOT Fuel Controls Protocol	6.0
AVL Light Fleet Protocol	9.1
Roadside Fire Prevention During Red Flag Warning Days	7.1

Transportation Commission Guidelines to Determine Whether Acquisition of Property for a CDOT Highway Project Will Serve the Public Interest	1301.0
Housing Assistance	1209.0
Policy on Fostering Small Business Capacity	606.0
CDOT's Open Records Act Procedure for Engineering Contracts	508.2
Protection of Personally Identifiable Information (PII)	1215.1
Housing Assistance	1209.1
Title VI Non-Discrimination	604.1
Employee Appreciation and Recognition Programs	1200.5
CDOT All-Hazard and Wildland Fire Mobilization and Reimbursement	7.2
Building Resilience into Transportation Infrastructure and Operations	1905.0
Caution and Restrictions for High Wind on Highways	9.4
Temporary Reduction in Speed Limits	1502.2
CDOT Commercial Card Program	3.3
Use of Recording Devices	46.2
Employee Transfers	1208.1
Official Functions	1200.1
Statutory Violations	3.2

MEMORANDUM OF UNDERSTANDING

By and between the

COLORADO DEPARTMENT OF TRANSPORTATION

AND

HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

THIS MEMORANDUM OF UNDERSTANDING, entered into as of the 30th day of September, 2013, by and between the Colorado Department of Transportation (“CDOT”), an agency of the State of Colorado (“State”), and the High Performance Transportation Enterprise (“HPTE”), a government-owned business created as a Division of CDOT by the “Funding Advancements for Surface Transportation and Economic Recovery Act of 2009” (“FASTER”). CDOT and HPTE are referred to in this Memorandum of Understanding individually as a “Party” and jointly as the “Parties”.

RECITALS

WHEREAS, CDOT has the responsibility to plan, develop, construct, coordinate, and promote an integrated transportation system within the State; and

WHEREAS, the General Assembly of the State found and determined in FASTER (Section 43-4-806(1), C.R.S.) that:

- (a) It is necessary, appropriate and in the best interests of the State to aggressively pursue innovative means of more efficiently financing important surface transportation infrastructure projects that will improve the safety, capacity, and accessibility of the surface transportation system; and
- (b) The HPTE should actively seek out opportunities for public-private partnerships for the purpose of completing surface transportation infrastructure projects; and
- (c) The authority of the HPTE should be broadly construed to allow HPTE sufficient flexibility, consistent with the requirements of the state constitution, to pursue any available means of financing such surface transportation infrastructure projects that will allow the efficient completion of the projects; and

(d) The types of innovative financing opportunities include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

WHEREAS, FASTER (Section 43-4-806(2), C.R.S.) created an HPTE board (“Board”) and the Board adopted on November 17, 2010, Articles of Organization (as amended from time to time “Articles of Incorporation”) and Bylaws (as amended from time to time “Bylaws”) providing for its operation and management and setting forth its powers; and

WHEREAS, FASTER (Section 43-4-806(2)(d), C.R.S.) provides that the HPTE shall constitute an “enterprise” for purposes of section 20 of article X of the State Constitution so long as it receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined; and

WHEREAS, the funding for HPTE is expected to be derived from multiple sources including toll revenues, work and fee for service and completion fee agreements with CDOT and other entities, concession fees, bond issuance fees, federal funds, and loans from the Transportation Commission; and

WHEREAS, FASTER (Sections 43-4-806(2)(c), 6(f) and (h), C.R.S.) authorizes HPTE to enter into agreements with the Transportation Commission or CDOT in furtherance of the purposes for which HPTE was created; and

WHEREAS, CDOT and HPTE have determined that it will advance and promote the respective missions of CDOT and HPTE to define and set forth in this Memorandum of Understanding their operating roles and responsibilities as they relate to those missions.

NOW, THEREFORE, in consideration of the mutual covenants, obligations, and conditions expressed below, the Parties understand and agree as follows:

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General Provisions

1.1 Definitions. Terms defined in FASTER (Section 43-4-803, C.R.S.) have the same meanings when used in this this Memorandum of Understanding.

1.2 Effective Date and Term. This Memorandum of Understanding shall be effective immediately upon its execution and shall continue in effect until terminated in accordance with its terms.

1.3 Termination of Master Agreement. The Master Agreement by and between the Colorado Department of Transportation and the Colorado High Performance Transportation Enterprise, entered into as of the 30th day of November, 2010, is terminated.

Article Two

Coordination between CDOT and HPTE

2.1 The Board has the authority to establish policies for HPTE under which it will identify and prioritize HPTE projects and make and enter into agreements and contracts with private entities for the financing, design, construction, operations and maintenance of surface transportation infrastructure projects. Nevertheless, as a division of CDOT, HPTE must coordinate and integrate its mission with CDOT in the fulfillment of its duties and the exercise of its powers.

2.2 Accordingly, CDOT has created and will maintain an Office of Major Project Development (OMPD) as a resource and center of expertise for the coordinated fulfillment of the joint missions of CDOT and HPTE. As a resource to both CDOT and HPTE, the purpose of the OMPD will be to provide the following services for P3 and other major projects:

(a) Supporting HPTE in overall program-level activities including the establishment of policies, strategic master planning, communications and marketing, establishment of procedures and budget planning and reporting, all in fulfillment of the mission of HPTE.

(b) Conducting early development activities and determining the overall feasibility of potentially eligible major projects, including project scoping, conceptual design, preliminary environmental evaluations, and support of HPTE with its initial financial analyses. In coordination with HPTE, define the initial project delivery structure to pursue.

(c) Identifying, analyzing and prioritizing corridors that are candidates for public-private partnerships, other innovative financing, or are potentially eligible for inclusion in a major project effort.

(d) Supporting HPTE in the value-for-money analyses and financial planning for candidate HPTE projects and in coordination with the HPTE, coordinating project delivery planning with the DTD, other relevant CDOT divisions, and CDOT regions for overall project funding and programming.

(e) In conjunction with HPTE, establishing criteria to determine when HPTE leads project procurement.

(f) In support of HPTE, deciding whether a project will be administered and contracted by the HPTE or CDOT. For non-HPTE projects, assessing the eligibility of the project for inclusion in the OMPD project program and making recommendations to the Chief Engineer for his final determination.

(g) For eligible major projects determined to be administered by HPTE:

(i) Leading the effort within CDOT to implement the project including overall project management, preliminary design, environmental studies and documentation, and agency and public coordination utilizing a team led by an OMPD project manager; and

(ii) Supporting HPTE-led activities including financial analyses, financial implementation and the procurement, including contract development, bidder selection, negotiations, and industry engagement.

(h) In conjunction with HPTE, developing a policy as to the acceptance and evaluation by CDOT and/or HPTE of unsolicited proposals involving potentially eligible major projects, which policy shall in any event provide that HPTE shall be the sole entity within CDOT to receive and evaluate unsolicited proposals for any such projects which are expected to be revenue-producing projects.

2.3 The goal of the OMPD will be to provide the necessary resources, in coordination with HPTE, other CDOT divisions, and CDOT regions, for a unified management structure for the development and implementation of major projects. Major projects are defined as (i) projects involving public-private partnerships or other financings requiring the powers of HPTE; (ii) projects involving toll operations, technologies and equipment; or (iii) projects with non-traditional or innovative contracting methods requiring or otherwise benefitting from the centralized management or expertise of the OMPD, to be determined by the Chief Engineer of CDOT (Chief Engineer), in coordination with the OMPD and HPTE as appropriate.

2.4 The OMPD will be led by a Director, reporting directly to the Executive Director or his/her designee and the Director of HPTE. Primary personnel management will be the responsibility of the Executive Director or his/her designee. Funding of the OMPD will come from the annual CDOT budget as well as ongoing project funding allocations as part of the annual budgeting actions by the Transportation Commission. Technical staff support to the OMPD will come from full time employees assigned to the OMPD, participating staff from appropriate divisions and regions on an as needed basis,

and consultants as necessary to support the office's programmatic and project specific efforts.

2.5 The role and responsibilities of the OMPD will include, in coordination with other CDOT divisions and CDOT regions, leadership, overall management and/or support in identifying, selecting, developing and implementing eligible projects. Specifically, the responsibilities and resources of the OMPD and HPTE in respect of HPTE eligible major projects will be allocated as set forth in Attachment A.

2.6 Before any substantial work is done in respect of an eligible major project, HPTE and CDOT, working through the OMPD, will enter into a project-specific agreement defining the roles and responsibilities of the parties, the anticipated funding sources for the project, any fees to be paid to HPTE for services for completing the financing for the project or otherwise, the rights and obligations of the parties with respect to the assets be acquired, and such other matters as may be appropriate in the circumstances.

2.7 The OMPD Director and the Director of HPTE will be responsible for developing and implementing operating procedures and protocols for coordinating the activities of the OMPD and HPTE and for communicating with and reporting to the Executive Director and Transportation Commission and to the HPTE Board. In particular, the OMPD Manager and the Director of HPTE will develop for adoption by the Transportation Commission and the HPTE Board a "Program Implementation Process" for mutual approvals by each body at critical decision points of the planning, development, procurement, construction and operation phases of eligible projects.

Article Three

CDOT Services

3.1 HPTE may, with the approval of and subject to such condition as are imposed by the Executive Director, utilize the professional and administrative services of CDOT employees or agents and CDOT facilities in connection with its authorized activities.

3.2 HPTE will reimburse CDOT, at CDOT's regularly burdened rates, for any administrative services or facilities provided by CDOT, its employees or agents. To the extent reimbursement is not immediately forthcoming and the funds expended by the Transportation Commission derived from the state highway fund, pursuant to FASTER (section 43-4-806(d)(4), C.R.S.) the value of such services or facilities shall, notwithstanding any state fiscal rule or generally accepted accounting principle that

could be interpreted to require a contrary conclusion, constitute a loan from the Transportation Commission to HPTE.

3.3 Specific services CDOT will provide to the HPTE include but are not limited to accounting and budget support. CDOT's Chief Financial Officer will act as the Chief Financial Officer for HPTE and ensure, among other things necessary for its ongoing budgetary and accounting needs, that HPTE's annual budget, budget supplements, ongoing accounting, and annual audited financial statements are prepared timely and correctly in accordance FASTER and this Memorandum of Understanding. The CFO will ensure that accountants and budget analysts within the Division of Accounting and Finance assigned to support the HPTE will develop the specialized policies, procedures, and expertise required to meet the needs of HPTE.

Article Four

Procurement

4.1 The State Procurement Code is not applicable to HPTE and in order to facilitate its pursuit of public-private partnerships and other innovative and efficient means of financing surface transportation infrastructure projects, the HPTE Board has adopted a set of Project Proposal Guidelines (as modified, the "Guidelines") which the Board has determined to be consistent with best practice principles of transparency, competition and fair-dealing. The Guidelines are attached as Attachment B and are confirmed in their current form by the parties.

4.2 The parties agree that the HPTE will coordinate its procurement processes with the OMPD, the CDOT procurement office and other CDOT entities that support the processes of contracting and procuring for goods and services. CDOT procurement, and other internal entities that are components of a procurement process, will support the preparation of contracts and the encumbrance of funds for the HPTE whether or not the state procurement code is followed or not by the HPTE so long as they meet the HPTE Board's Guidelines and the state's fiscal rules.

4.3 The parties agree that if either of the following will occur, HPTE will use the modified procurement process set forth in section 4.14 of Attachment B.

(a) HPTE is to be reimbursed by CDOT for personal services or goods procured by HPTE, or

(b) CDOT will utilize personal services or goods procured by HPTE for CDOT projects.

4.4 The parties agree that HPTE will utilize CDOT processes and procedures for the procurement by it of any professional services.

4.5 The parties agree the procurement for outside legal services will be done by HPTE in coordination with the Attorney General's office.

Article Five

Budget Coordination

5.1 HPTE will prepare an annual budget and other budgeting documents in the format and by the deadlines set by the CDOT budget office each year. Additional required reports may include, but are not limited to, the long range plan and annual travel plan. HPTE and the OMPD agree to coordinate the development of the budgets to assure consistency and completeness. This coordination does not limit the HPTE Board's authority during the fiscal year to adjust its budget as it deems necessary so long as those actions do not exceed annually available revenues, nor does it limit the Board's authority to delegate budget authority to the Director.

5.2 The HPTE annual budget may contain a request for a CDOT loan to fund staff positions and other program costs.

5.3 Pursuant to the statutory requirements of FASTER and except as the terms of any relevant project-specific agreements may otherwise require, HPTE shall use available revenues to repay CDOT loans at the discretion of the Board. Furthermore, at the discretion of the Board and based on the HPTE annual budget, excess revenue derived from project-related operations may be retained by the HPTE in the statewide transportation enterprise operating fund or the transportation special fund, pursuant to 43-4-806(4), after fulfillment of all appropriate obligations, for HPTE priorities and for the sustained operations of the HPTE.

Article Six

CDOT Policies and Procedures

6.1 The parties agree that only the CDOT Policy and Procedural Directives listed on Attachment C shall apply to HPTE; except as they may be superseded by the

terms of this Memorandum of Understanding. The Board will pass a Resolution adopting the Policy and Procedural Directives listed on Attachment C

6.2 Future Policy and Procedural Directives adopted by the Transportation Commission shall not apply to HPTE unless the HPTE Board adopts them by Resolution.

Article Seven

Termination

7.1 This Memorandum of Understanding may be terminated at any time by mutual agreement of the parties.

Article Eight

Amendments

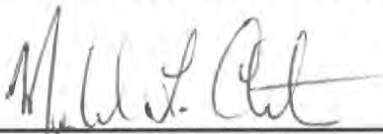
8.1 Amendments to this Memorandum of Understanding must be in writing and must be duly authorized and approved by the Transportation Commission and the Board.

SIGNATURE PAGE

Effective this 30th day of September, 2013.



Don Hunt, Executive Director, Colorado Department of Transportation



Michael Cheroutes, Director, High Performance Transportation Enterprise

Attachment A

Office of Major Project Development (OMPD)/High Performance Transportation Enterprise (HPTE)

Resources and Responsibilities for Basic Functions

The following table assigns the source of resources and responsibilities for the fulfillment of the basic functions for the OMPD and HPTE for the coordinated implementation of the HPTE P3 and Innovative Finance Program. The HPTE and the OMPD will work collaboratively to accomplish the mutual and joint goals of CDOT and the HPTE, in compliance with the statutory authority of the HPTE, as follows:

Program/ Project Phase	Description	Responsibilities and Resources (HPTE Eligible Projects Only)	
		OMPD*	HPTE
Overall Program	<u>Management and Oversight:</u> Provide communications, overall administration and reporting of P3 Program	Support	Lead
	• Establish policies	Support	Lead
	• Provide strategic master planning	Lead	Support
	• Conduct program communications and marketing	Lead	Support
	• Establish procedural guidelines and procedures	Lead	Support
	• Conduct program-level budget planning and reporting	Lead (Commission)	Lead (Board)
Program Planning	<u>Management and Oversight:</u> Conduct initial feasibility, conceptual design, financial plan, initial environmental planning, delivery plan, ID and select projects, prioritization	Lead	Support
	• Identify and prioritize potential projects	Lead	Support
	• Determine initial feasibility of potential projects	Lead	Support
	• Prepare conceptual project definition/scope/design	Lead	Support
	• Conduct Phase I T&R Study (revenue projections)	Support	Lead
	• Prepare conceptual cost estimates and scheduling	Lead	Support
	• Conduct environmental review (pre-NEPA)	Lead	Support
	• Prepare value-for-money analysis	Support	Lead
	• Prepare initial financing plan	Support	Lead
	• Engage industry (program info, initial interest)	Support	Lead
	• Conduct public engagement	Lead	Support
	• Conduct stakeholder engagement (local TR agencies)	Lead	Support
• Provide FHWA coordination and approvals	Lead	Support	
• Make P3 decision and prepare delivery plan	Support	Lead	
Project Development	<u>Management and Oversight:</u> Conduct final feasibility, financing plan, NEPA, and preliminary engineering	Lead	Support
	• Provide overall project management	Lead	Support
	• Determine final feasibility of project	Lead	Support

	<ul style="list-style-type: none"> • Prepare preliminary project design 	Lead	Support
	<ul style="list-style-type: none"> • Conduct Phase II T&R Study (revenue projections) 	Support	Lead
	<ul style="list-style-type: none"> • Prepare preliminary cost estimates and scheduling 	Lead	Support
	<ul style="list-style-type: none"> • Provide environmental clearance/approval (NEPA) 	Lead	Support
	<ul style="list-style-type: none"> • Prepare value-for-money analysis 	Support	Lead
	<ul style="list-style-type: none"> • Prepare final financing plan 	Support	Lead
	<ul style="list-style-type: none"> • Engage industry (project information, RFI) 	Support	Lead
	<ul style="list-style-type: none"> • Conduct public engagement (project specific) 	Lead	Support
	<ul style="list-style-type: none"> • Conduct stakeholder engagement (local TR agencies) 	Lead	Support
	<ul style="list-style-type: none"> • Provide FHWA coordination and approvals 	Lead	Support
	<ul style="list-style-type: none"> • Develop project communications plan 	Lead	Support
	<ul style="list-style-type: none"> • Develop project management plan 	Lead	Support
	<ul style="list-style-type: none"> • Make P3 procurement decision and define delivery plan 	Support	Lead
Project Procurement	<u>Management and Oversight: Procure the project</u>	Lead	Support
	<ul style="list-style-type: none"> • Provide overall project management 	Lead	Support
	<ul style="list-style-type: none"> • Prepare solicitation documents (RFI, RFP, others) 	Support	Lead
	<ul style="list-style-type: none"> • Prepare contract documents 	Support	Lead
	<ul style="list-style-type: none"> • Prepare investment-grade T&R (revenue projections) 	Support	Lead
	<ul style="list-style-type: none"> • Prepare final financial documents and requirements 	Support	Lead
	<ul style="list-style-type: none"> • Prepare value engineering and technical requirements 	Lead	Support
	<ul style="list-style-type: none"> • ATC reviews 	Lead	Support
	<ul style="list-style-type: none"> • Coordinate procurement with industry bidders 	Support	Lead
	<ul style="list-style-type: none"> • Review proposals and conduct evaluations 	Support	Lead
	<ul style="list-style-type: none"> • Conduct public engagement (project specific) 	Lead	Support
	<ul style="list-style-type: none"> • Conduct stakeholder engagement (local TR agencies) 	Lead	Support
	<ul style="list-style-type: none"> • Provide FHWA coordination and approvals 	Lead	Support
<ul style="list-style-type: none"> • Select winning bidder and negotiate contract 	Support	Lead	
Construction	<u>Management and Oversight: Construct the project</u>	Lead	Support
	<ul style="list-style-type: none"> • Provide contract management and administration 	Lead	Support
	<ul style="list-style-type: none"> • Provide change management 	Lead	Support
	<ul style="list-style-type: none"> • Provide budget management 	Lead	Support
	<ul style="list-style-type: none"> • Provide financial reviews 	Support	Lead
	<ul style="list-style-type: none"> • Conduct design reviews 	Lead	Support
	<ul style="list-style-type: none"> • Construction oversight and quality audits 	Lead	Support
	<ul style="list-style-type: none"> • Conduct final project acceptance 	Lead	Support
O&M	<u>Management and Oversight: Operating the Project</u>		
	<ul style="list-style-type: none"> • Manage concession and related contracts (incl. reporting) 	Lead	Support
	<ul style="list-style-type: none"> • Toll collection 	Support	Lead
	<ul style="list-style-type: none"> • Maintenance 	Lead	Support

Attachment B

COLORADO HIGH PERFORMANCE TRANSPORTATION ENTERPRISE PROJECT PROPOSAL GUIDELINES (THE "GUIDELINES")

1. INTRODUCTION

- 1.1 These Guidelines are intended to provide a project identification and evaluation process to be utilized by the Colorado High Performance Transportation Enterprise (the "Enterprise") in connection with its pursuit of public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects in accordance with the provisions of Section 43-4-806, Colorado Revised Statutes, as amended. The Enterprise recognizes that each project will have its unique characteristics and goals and that tailored approaches to assessing and implementing projects will be required for the Enterprise's program to be successful. The Enterprise intends to retain the flexibility to modify or deviate from these Guidelines as it sees fit and in the interest of the State and the public.
- 1.2 These Guidelines may be revised from time to time and such revisions will be promptly posted on the Enterprise's website. Those performing work or otherwise relying on these Guidelines assume all risks related to any revisions. The Enterprise will not be liable for any damages sustained by anyone based on a modification or failure to modify the Guidelines. In addition, the Enterprise, at its sole discretion, may waive or deviate from some or all of these Guidelines where it deems such waiver(s) or deviation to be in the best interest of the State. In no event shall any such waiver or deviation result in any liability for the Enterprise, the State or any other party.

2. INTERPRETATION

- 2.1 Definitions. The following definitions are provided to assist in understanding of the Guidelines and may be modified in any Solicitation Documents or Agreements issued by the Enterprise:

"Agreement" means a binding document or series of documents between the Enterprise (or the Enterprise and CDOT) and a Person that outline the basis on which to plan, finance, design, engineer, construct, install, acquire, operate and maintain (or any combination of these activities) an Eligible Project.

"Bidder" means a Person or Consortium who seeks to enter into an Agreement in response to Solicitation Documents.

"CDOT" means, the Colorado Department of Transportation created in Section 24-1-128.7, Colorado Revised Statutes, as amended.

“Consortium”	means two or more Persons acting together for the purpose of seeking to enter into an Agreement.
"Eligible Project"	means any surface transportation infrastructure project as defined in Section 43-4-803(23), Colorado Revised Statutes, as amended.
"Person"	means any individual, sole proprietorship, corporation, partnership, unincorporated association or public entity and includes successors and permitted transferees and their assigns.
“Project Participant”	means any Person or Consortium who or which enters into an Agreement.
“Solicitation Documents”	means procurement documents, including but not limited to requests for information, requests for proposals, requests for qualifications and statements of qualifications, initiated by the Enterprise in connection with an Eligible Project.
“Solicited Proposal”	means a procurement initiated and issued by the Enterprise in connection with an Eligible Project either (i) through a determination by the Enterprise that, based on its findings and evaluations, a procurement for such Eligible Project is in the best interest of the State or (ii) through a determination by the Enterprise that, based on an Unsolicited Proposal, a procurement is in the best interest of the State.
“State”	means the State of Colorado.
“Unsolicited Proposal”	means a submittal by a potential Project Participant with respect to an Eligible Project which has not been initiated by the Enterprise.

2.2 In these Guidelines

- (a) the singular includes the plural and vice versa;
- (b) the headings are inserted for convenience only and shall not affect interpretation of the Guidelines;
- (c) when there are references with general words followed by a list to make it clear that those general words "include" the matters set out in that list, then the contents of the list shall be taken not to limit the generality of those general words; and
- (d) in accordance with these Guidelines the Enterprise is free to exercise its discretion in such matters as it considers necessary or expedient in the light of all circumstances prevailing at the time which the Enterprise considers to be relevant.

3. **UNSOLICITED PROPOSALS**

- 3.1 The Enterprise may consider and evaluate an Unsolicited Proposal, or decline to do so, in accordance with the provisions of this Section 3. The Enterprise may, in its sole discretion, decline to consider and evaluate an Unsolicited Proposal, in which case it shall so notify the Person or Consortium submitting that Unsolicited Proposal. If the Enterprise makes a determination to consider and evaluate an Unsolicited Proposal, then, upon completion of its evaluation in accordance with the provisions of this Section 3, it shall proceed as provided in Paragraph 3.5 hereof.
- 3.2 In determining whether to consider and evaluate an Unsolicited Proposal, the Enterprise shall have regard to all or any facts and matters which the Enterprise considers to be relevant, including:
- (a) the resources available to the Enterprise, both from its own staff and from any necessary or desirable consultants and external resources, to enable it to conduct the evaluation;
 - (b) the extent to which the Unsolicited Proposal appears to offer benefits to the State by fulfilling requirements related to an Eligible Project identified by the Enterprise or CDOT as a priority;
 - (c) the extent to which the Unsolicited Proposal presents a financing plan that efficiently includes Enterprise/CDOT funding and/or maximizes project revenues to present a viable funding proposal;
 - (d) the extent to which the Unsolicited Proposal may significantly shorten a timetable for satisfying a known requirement in any plan set out by CDOT or the Enterprise; and
 - (e) the extent to which the Enterprise or CDOT is already developing its own plans for meeting the requirement which the Unsolicited Proposal is seeking to address.
- 3.3 Except as otherwise determined by the Enterprise, the Enterprise will only consider an Unsolicited Proposal if the Enterprise is given a royalty-free license in any and all intellectual property rights comprised in the Unsolicited Proposal to the full extent necessary to enable the Enterprise to accept the proposal (with or without amendments) for the purpose of seeking competitive proposals as contemplated in Subparagraph 3.5(a) hereof. The Person or Consortium making an Unsolicited Proposal may identify appropriate material contained therein as proprietary or confidential; however, the Enterprise may disclose proprietary or confidential material contained in the Unsolicited Proposal to CDOT personnel, the Transportation Commission or the Enterprise Board of Directors. At the time of submission to the Enterprise the Proposer must also include an executive summary covering the major elements of the Unsolicited Proposal that do not address the Proposer's price, financing plan or other confidential or proprietary information or trade secrets that the Proposer intends to be exempt from disclosure. The Executive Summary will be a public document and will be posted on the Enterprise's website. The executive summary will also be used in connection with seeking competitive proposals as contemplated in Subparagraph 3.5(a) hereof. In the event the Enterprise determines that it is unable to effectively solicit competitive proposals due to the scope of the material in the Unsolicited Proposal that has been designated as proprietary or confidential, the Enterprise may either (i) negotiate with the Person or

Consortium submitting the Unsolicited Proposal to allow the use of so much of such proprietary or confidential information as the Enterprise determines is required for use in connection with seeking competitive proposals or (ii) determine not to proceed further with the Unsolicited Proposal.

- 3.4 The Enterprise will only accept submission of an Unsolicited Proposal if, at the time the Unsolicited Proposal is submitted, the Person or Consortium making the Unsolicited Proposal pays to the Enterprise an initial fee of \$1,000. Such initial fee shall be nonrefundable, whether or not the Enterprise chooses to consider and evaluate the Unsolicited Proposal. If the Enterprise decides to proceed to consider and evaluate an Unsolicited Proposal, then it may make it a condition of proceeding that the Person or Consortium making the Unsolicited Proposal agrees to pay an amount to be determined by the Enterprise to cover the actual costs incurred by the Enterprise in considering and evaluating the Unsolicited Proposal. The Person or Consortium making the Unsolicited Proposal may withdraw such Unsolicited Proposal if it is unwilling to pay such actual costs. In the event that, following a solicitation based upon an Unsolicited Proposal, an award is made for the Eligible Project described in the Unsolicited Proposal to a Bidder other than the Person or Consortium making the Unsolicited Proposal, the Enterprise will require that the successful Bidder pay the Enterprise an amount sufficient for the Enterprise to reimburse the Person or Consortium making the Unsolicited Proposal for amounts paid by such Person or Consortium to the Enterprise for the actual costs incurred by the Enterprise to consider and evaluate the Unsolicited Proposal.
- 3.5 On completion of the evaluation of an Unsolicited Proposal, the Enterprise may:
- (a) seek proposals for the Eligible Project described in the Unsolicited Proposal either (i) in accordance with the procedures set forth in Section 4 hereof, subject to such amendments to the Unsolicited Proposal as the Enterprise may consider appropriate, or (ii) in accordance with such alternative procedures as the Enterprise may determine are appropriate under the relevant circumstances and will encourage competition, provide transparency and ensure nondiscriminatory treatment of potential bidders, subject, however, in either case to exceptions of the type described in Paragraph 4.8 hereof; or
 - (b) notify the proposer(s) that the Enterprise will not proceed any further with the Unsolicited Proposal, and provide a general description of the reasons for that decision.

4. **SOLICITED PROPOSALS**

- 4.1 The Enterprise may solicit proposals in connection with an Eligible Project when it determines either that, based on its findings and evaluations, a procurement for such Eligible Project is in the best interest of the State or that, based on an Unsolicited Proposal, a procurement for such Eligible Project is in the best interest of the State.
- 4.2 In connection with any Solicited Proposal, the Enterprise will issue such Solicitation Documents as it determines may be appropriate under the circumstances. The Solicitation Documents may include such terms and requirements as are determined by the Enterprise to be appropriate and may request submission of such information, including financial and

technical information, as the Enterprise determines to be necessary or useful in evaluating any proposal and the viability of the relevant Eligible Project.

- 4.3 The Enterprise may provide in the Solicitation Documents that the solicitation will take place in successive stages, in order to reduce the number of proposals to be negotiated at each stage, by applying criteria as set forth in the Solicitation Documents.
- 4.4 Prior to issuing any Solicitation Documents, the Enterprise may request expressions of interest in relation to an Eligible Project and take such other preliminary steps as it may deem appropriate to engage with potential Bidders, including but not limited to, conducting meetings with industry participants in order to inform the industry of the opportunity and to hear industry suggestions which may, in the Enterprise's sole discretion, be incorporated into the Solicitation Documents.
- 4.5 For the purpose of encouraging competition, providing transparency and ensuring the nondiscriminatory treatment of potential Bidders, the Enterprise shall, except in certain circumstances as set forth in Paragraph 4.8, provide public notices in connection with its solicitations by such means and in such forms as shall be appropriate under the circumstances, including the publication of the applicable Solicitation Documents. Such public notices may precede or be accompanied by the applicable Solicitation Documents and may include an estimated timetable relating to the solicitation process if available.
- 4.6 The Enterprise may consider requests for further information relating to the Solicitation Documents as may be reasonably requested by a Bidder, and, if the Enterprise determines it appropriate under the circumstances to provide such further information, it will supply such information to all Bidders, provided that the request for such information is received in sufficient time to enable the Enterprise to supply it.
- 4.7 If the Bidder consists of or includes a Consortium, the Bidder may rely on the capacities of the members of the Consortium in responding to and complying with the requirements set forth in the Solicitation Documents regardless of whether or not the members of the Consortium have entered into a legal relationship for purposes of submitting a proposal. If the Enterprise awards an Agreement to a Consortium, it may, if the Enterprise deems it to be necessary or expedient for the satisfactory performance of the Agreement, require the Consortium to form a legal entity before entering into, or as a term of, the Agreement.
- 4.8 The Enterprise may elect not to provide a public notice in connection with the solicitation of work or services relating to an Eligible Project in certain circumstances, including the following:
 - (a) when, for technical, artistic or design reasons, or for reasons connected with the protection of exclusive rights, an Agreement may be awarded only to a particular Bidder;
 - (b) when for reasons of extreme urgency brought about by events unforeseeable by the Enterprise there is insufficient time to provide for the step of issuing a public notice;

- (c) when the Enterprise wants a Project Participant which has entered into an Agreement with the Enterprise to carry out additional work or to provide additional services
 - (i) which were not included in the project initially considered or in the original Agreement but which through unforeseen circumstances have become necessary; and
 - (ii) which cannot for technical or economic reasons be carried out or provided separately from those under the original Agreement without major inconvenience to the Enterprise; and
 - (d) when the Enterprise wants a Project Participant which has entered into an Agreement with the Enterprise to carry out new work or to provide new services which are a repetition of the work or services provided under the original Agreement and which are in accordance with the project for the purpose of which the first Agreement was entered into.
- 4.9 All material submitted by Bidders in response to Solicitation Documents will be the property of the Enterprise. As may be further provided in the Solicitation Documents, any material submitted by Bidders and requested to be treated as proprietary or confidential will be identified and treated in accordance with the relevant procedures set forth in the Solicitation Documents. After a final determination is made by the Enterprise in connection with a Solicited Proposal, all material submitted by Bidders, except material treated as proprietary or confidential in accordance with the Solicitation Documents, will become public record and open to inspection.
- 4.10 The evaluation of Solicited Proposals shall be made by a committee selected by the Director of the Enterprise to evaluate the merits of all responses received in connection with Solicited Proposals. The specific evaluation criteria to be utilized by the committee and any weighting of such criteria will be specified in the Solicitation Documents. Failure of a Bidder to provide in its proposal any information requested by the Solicitation Documents may result in disqualification of the proposal. During the evaluation process, meetings may be scheduled with Bidders, either individually or as a group, to the extent the committee determines that additional information or clarification is needed that would assist in the evaluation process. The recommendations of the committee will be forwarded to the Director of the Enterprise for final approval by the Board or, if the authority is delegated, by the Director.
- 4.11 The Enterprise reserves the right to reject any and all proposals received in response to Solicitation Documents or to cancel the Solicited Proposal process if it is in the best interest of the Enterprise or the State to do so. The Enterprise may reject any proposal received in response to Solicitation Documents if the Bidder, any member of a Consortium acting as a Bidder or any Person who has powers of representation, decision or control of the Bidder or any member of a Consortium acting as the Bidder is ineligible to contract with the State, CDOT or the Enterprise under applicable provisions of federal or state law or under any rules or regulations applicable to the State, CDOT or the Enterprise.
- 4.12 The Enterprise will not be liable for any costs incurred by Bidders prior to the execution of the relevant Agreement or other contract. All costs to prepare and submit responses to Solicitation Documents shall be borne solely by the Bidders. Nothing in Paragraph 4.12 will

prevent the Enterprise, in its sole discretion, from offering stipends and/or cancellation payments to Bidders on such terms as may be determined by the Enterprise.

- 4.13 The award in connection with a Solicited Proposal will be made to the Bidder whose proposal is determined to be the most advantageous to the State and the Enterprise, and shall be subject to negotiation and execution of an acceptable Agreement.
- 4.14 At the Enterprise's discretion, it may solicit a proposal that complies with the Colorado Procurement Code (CRS § 24-103-101, et al.). If the Enterprise determines that a solicitation will comply with the procurement code, the following shall occur to the extent that they have not already occurred following HPTE's process for Solicited Proposals outlined above:
- (a) Prior to a solicitation being advertised, a representative of the Enterprise shall meet with CDOT's Purchasing Director to discuss the solicitation and process, to discuss all written determinations that must be made under the Procurement Code and the development of the official file;
 - (b) CDOT's Purchasing Director may determine "competitive sealed proposals" is the most advantageous and practical procurement method for HPTE solicited proposals, and if this determination is made, Colorado Procurement Rule R-24-103-203 shall be followed;
 - (c) the Solicited Proposal will be advertised for a minimum of thirty (30) days unless CDOT's Purchasing Director determines a shorter time is warranted;
 - (d) If CDOT's Purchasing Director, pursuant to Colorado Procurement Rule R-24-102-202.5-.2, determines that the Colorado Bid Information and Distribution System (BID) is not likely to yield adequate competition, the Solicited Proposal will be advertised on the Enterprise's website and not on BIDS;
 - (e) the Solicited Proposal shall state the evaluation factors;
 - (f) If a Solicited Proposals warrants it, a shortlist will be created and individuals or firms will be given a minimum of seven business days to prepare for an interview;

The award shall be made to the responsible offer or whose Solicited Proposal is determined in writing to be the most advantageous to the Enterprise, taking into consideration the price and the evaluation factors set forth in the Solicited Proposal. No other factors or criteria shall be used in the evaluation.

Attachment C

CDOT Policy and Procedural Directives Applicable to HPTE

Short Name	Title
0001-0	Policy & Procedural Directives
0001-1	Procedure for Creating & Updating & Procedural Directives & PD Flow
0002-0	CDOT Values
0004-0	Audit Division
0004-1	Audit Division Responsibilities
0004-2	Audit Recommendation Tracking Report
0004-3	Coordination for Outside Audits and Studies
0006-0	Vehicle Fuels Control Policy Directive
0006-1	Vehicle Fuels Control Procedural Directive
0008-0	Residence and Telephone Requirements
0009-0	Equipment Management
0009-1	Commute Vehicles
0009-2	PD Utilization and Replacement of Road Equipment
0010-0	Workplace Violence
0010-1	Workplace Violence Procedural Directive
0012-0	Workplace Accommodation for Nursing Mothers Policy Directive
0012-1	Workplace Accommodation for Nursing Mothers Procedural Directive
0014-0	CDOT Vision, Mission, Investment Category Goals and Objectives
0015-1	Employee Wellness Program
0016-0	Regional Transportation Director Authority for Administrative Settlement of Construction Contract Claims
0018.1	Notification of Division Authority When Out of State or on Vacation
0019-1	Service of Legal Action
0020-0	Rule Making Policy Directive
0020-1	Rule Making Procedural Directive
0022-1	Mail and Messenger Service
0024-1	Publication Approval & State Publications Law Compliance
0025-2	Reimbursement of Cost Incurred Responding to Open Records
0026-0	Electronic Messaging Policy
0027-0	Internet Policy
0027-1	Social Marketing Use of Web 2.0 & Similar Applications
0028-1	Employee Identification Card
0029-1	Guidelines for Submitting Resolutions to the Transportation Commission
0031-1	Website Development
0032-1	Internal Web Page Development
0041-1	Disbursement of Motor Pool Vehicles
0042-1	Contact with Private Attorneys or their Agents

0043-1	Administration of Special Bridge Account
0044-1	Tort Lawsuits Against the Division of Highways
0046-1	Mobile Device Procedure
0051-1	Records Management
0051-2	Public Inspection of Department Records
0051-3	Confidential Records
0060-1	Property Funds - Maintenance and Operations Budget
0080-0	Occupational Health and Safety
0080-1	Personal Protective Equipment Use
0080-2	Reporting of Unsafe or Unhealthy Working Conditions
0080-3	Accident Review Board
0080-5	Voluntary medical Monitoring Program for Identified Positions
0080-6	Vehicle Backing
0080-7	Electrical Safety in the Workplace
0080-8	Lockout / Tagout/ Tryout - Controlling Hazardous Energy
0080-9	Confined Spaces Entry
0080-10	Respiratory Protection Program
0080-11	State Vehicle Operations and Wireless Mobile Devices
0081-1	Drug & Alcohol Policy
0081-1	CDOT Substance Abuse, Controlled Substance and Alcohol Testing for Safety-Sensitive Positions
0081-1	CDOT Substance Abuse, Controlled Substance and Alcohol Testing for Non Safety-Sensitive Positions
0081-2	Employee Disclosure of Alcohol Misuse or Controlled Substances Use Program
0081-3	Employee Disclosure of Alcohol Misuse or Controlled Substances Use Program
0089-0	Risk & Insurance Management
0089-1	Accident Reporting and Claim Handling
0089-2	Worker's Compensation
0089-3	Modified Duty
0206-1	Reporting and Investigating Cash Shortages or Thefts
0206-2	Maintenance Section Recovery of Cost for Highway Damage Repairs
0206-3	Securities in Lieu of Retainage
0207-0	Travel Policy
0207-1	In State Travel
0207-2	Out of State Travel
0302-0	PO Anti-Trust Monitoring and Detection Program
0302-1	PD Anti-Trust Monitoring and Detection Program
0306-1	Flagger Training & Certification Program
0315-0	Contract Time and Contract Time Extensions
0357-2	Revocation of Pre-qualifications and/ or Debarment for Bid-related Offenses
0384-0	Subletting a Contract
0387-0	Construction by Public Agencies
0390-0	Accommodation if Utilities within State Highway System ROW
0400-1	Obtaining and Modifying Professional Consultant Services

0500-1	Plans, Specifications, and Estimates (PS - E) to advance Federal-Aid Projects to Advertisement and Award in a
0500-0	PO Development of Federal Aid Projects under the CDOT Federal -Aid Highway Program Stewardship Agreement
0501-0	Drainage Design and Cooperative Storm Drainage System
0501-1	Drainage Design
0501-2	Cooperative Storm Drainage System
0503-0	Landscaping with Native Plant Material
0507-0	ADA Accessibility for CDOT Projects
0507-1	Standards for Rest Areas & Pedestrian Underpasses & Overpasses
0508-1	Release Memo PD's Engineer's Stamp
0600-0	Equal Employment Opportunity and Non-Discrimination Policy
0600-1	Equal Employment Opportunity and Non-Discrimination Policy
0600-2	Placement of Employees with Disabilities
0600-6	Internal Discrimination Complaint Procedures
0602-0	Diversity Policy
0603-0	Sexual Harassment
0604-0	Non-Discrimination Federally Funded Program Policy
0605-0	PO Release Memo Comprehensive Accessibility for Persons with Disabilities Release Memo PD ADA Accessibility Requirements in CDOT Transportation
0605-1	Projects
0611-0	Disadvantaged Business Enterprise Program Review Procedures for A-95 Notices of Intent/ Applications from Outside
0700-1	Agencies
0701-0	Access Control Policy
0707-3	Resource Allocation
0715-1	Financial Monitoring of Projects
0717-1	Fiscal Notes New
0720-0	Colorado State Infrastructure Bank (SIB)
0720-1	Colorado State Infrastructure Bank (SIB)
0800-0	State Highway Safety Agency
0800-1	State Highway Safety Agency
0803-0	Naming Highways, Bridges or Other Components of the Highways
0805-0	Work Safety and Mobility Policy
0805-1	Work Zone Safety and Mobility
0902-0	Shoulder Policy
1000-0	Maintenance Work Requiring State Highway Commission Action
1001-1	Handling of Hazardous Materials and Hazardous Waste
1003-0	Maintenance Incentive Pilot Program
1004-0	Rock fall Management Policy
1005-0	Removal and Disposal of Wildlife Carcasses from State Highway & ROW
1005-1	Removal and Disposal of Wildlife Carcasses from State Highway & ROW
1006-0	Adopt-A-Highway Program

1006-1	Adopt-A-Highway Program
1006-2	Adopt-A-Highway Program Signing
1050-0	Division of Authority over State Highways within Cities, Cities & Counties, and Incorporated Towns
1050-1	Contracts with local Agencies for Maintenance of State Highways
1055-0	Snow Removal on State Highways
1055-2	Priorities and Level of Service for Snow and Ice Control
1200-0	General Personnel Administration
1200-1	Limitation on State Spending for Meals, Gifts, and Official Functions
1200-2	Outside Employment and Outside Business Interest
1200-3	Procedure or Administration of Furlough
1204-1	Leave Sharing
1204-2	General Leave
1205-1	Employee Organization Access
1206-1	PD Family Medical Leave Program
1207-0	Employee Innovations Policy New
1207-1	PD CDOT Cost Savings IDEA Incentive Program
1221-1	Interviewer Guidelines
1222-0	Driving Record and License Requirements
1222-1	Driving Record and License Requirements
1226-1	Employee Orientation
1230-0	Hours of Work and Overtime Compensation
1230-1	Flextime Agreements
1230-2	Compensation for Overtime, on-call, call-back, shift differential, and compensatory time
1230-4	Flex place
1240-1	Inclement Weather
1260-0	Organizational Learning Policy
1260-1	CDOT University College Deans
1262-1	Education and Professional Development Reimbursement Program
1265-1	Service Awards
1280-1	Transfer Policies and Procedures
1291-1	Retirement Plaques
1300-0	Disposition of Excess Land
1300-1	Property Inventory & Review
1300-2	Disposal of Excess Property
1303-0	
1303-1	Annexation of Department Property
1307-0	Property Leases
1400-0	Surface Treatment Program
1401-0	Product Evaluation and Experimental Features
1401-1	Product Evaluation and Experimental Features
1500-0	Guide Sign Policy

1501-0	Roadside Memorial Signage
1501-1	Roadside Memorial Signage
1503-0	Naming Highways, Bridges, or Components of Highway Procedure of Implementing Commission Resolutions Regarding the Naming of
1503-1	Highways, Bridges, or Components of the Highway System
1505-1	Traffic Safety in Highway and Street Work Zones
1510-1	Promptly Reopening Roadway to traffic
1511-0	DUI/DUID Fatal Crash Signage
1511-1	DUI/DUID Fatal Crash Signage
1600-2	Research and Development Project Proposal Selection and Control Process
1601-0	Interchange Approval Process
1601-1	Interchange Approval Process
1602-0	Bike & Pedestrian
1602-1	Bike & Pedestrian
1603-0	Managed Lanes Policy
1604-0	Public Notification
1606-0	Maintaining Linear Reference System
1606-1	Maintaining Linear Reference System
1607-0	Rail Corridor Preservation Policy
1612-0	State Highway Relocation Policy
1800-1	Reproduction Work Orders and Charging to Using Organization
1900-0	Sound wall Policy
1900-1	Implementation of Sound wall Policy
1901-0	CDOT Policy on Air Quality
1902-0	CDOT Environmental Compliance (Water Quality)
1903-0	Hazardous Materials Routing Procedure
1903-1	Hazardous Materials Routing Procedure



Date: January 20, 2021

To: High-Performance Transportation Enterprise Board / Colorado Transportation Commission

From: Nick Farber, Director, HPTE, Simon Logan, HPTE Liaison and Program Coordinator

Subject: Moratorium on Unsolicited Proposals on Interstate 25 North, Interstate 270, and Central 70

Purpose

Following the workshop and briefing to the Transportation Commission (TC) and High-Performance Transportation Enterprise (HPTE) Board of Directors in November 2020, HPTE staff are requesting action from the TC and HPTE Board of Director's to remove the unsolicited proposal moratoriums that currently exist on I-25 North and I-270.

Action

The TC and HPTE Board are asked to approve the removal of the unsolicited proposal (UP) moratoriums on I-270 and I-25 North.

Background

Over the past eight years, CDOT and HPTE have procured over \$1.4 billion worth of projects on I-25 north and Central 70 and are moving forward with the project planning process on I-270, but there is still a need for infrastructure investment on those corridors. HPTE has interest from the P3/Developer industry on some of these corridors for unsolicited proposals but has had to reject them because of the moratoriums. HPTE thinks it is time to lift the moratoriums on I-25 North and I-270 so staff can evaluate industry ideas to see if they are worth moving forward.

At this time, HPTE does not recommend lifting the moratorium on the Central 70 because the original intent of the moratorium on this corridor was so that CDOT/HPTE could procure the project on its own. The Central 70 project was successfully procured, and is currently under construction, slated to be complete in 2022, and will be operated by Kiewit Meridiam Partners for the next 30 years.

Options / Decision Matrix

1. **Staff Recommendation:** Lift the UP moratoriums on I-270 and I-25 North.
2. Lift one or a combination of the moratoriums, but keep one or more in place.
3. Keep all of the moratoriums in place.

Colorado Bridge Enterprise Board
Meeting Minutes
December 16, 2020

PRESENT: Shannon Gifford, District 1
Don Stanton, District 2
Eula Adams, District 3
Karen Stuart, Chair, District 4
Kathleen Bracke, District 5
Barbara Vasquez, District 6
Kathy Hall, Vice Chair, District 7
Sidny Zink, District 8
Lisa Hickey, District 9
William Thiebaut, District 10
Gary Beedy, District 11

AND: Staff members, organization representatives, and broadcast publicly

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

In December, the Bridge Enterprise Board of Directors

- Approved the minutes from the November Board Meeting
- Approved the 4th Budget Supplement of FY 21



2829 W. Howard Place
 Denver, CO 80204

TO: THE BRIDGE ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: JANUARY 21, 2021
SUBJECT: FITH SUPPLEMENT TO THE FISCAL YEAR 2020-21 BRIDGE ENTERPRISE BUDGET

Region 1:

This request is to increase the design phase budget for the final design of the I-70 over W. 32nd Ave bridge replacement project as part of a planned incremental budgeting process. In November 2019, the Board approved a budget supplement to advance preliminary design. Preliminary design is now complete. The most recent Structure Inspection and Inventory Report indicates that there is advanced deterioration visible on the underside of the deck with map cracks, delamination, efflorescence, scale, and exposed corroded rebar. The decks of both structures were rated 4 out of 9 which correlates to “poor” condition and a classification of structurally deficient.

Region staff informed Bridge Enterprise that the deck condition has worsened over time and has led to an increased frequency and severity of planned and unplanned repairs. There have been several occurrences of heavy loads punching through the deck and loose concrete falling from the structure. This has resulted in emergency closures to perform full depth concrete repairs and remove loose concrete. One significant unplanned closure caused a traffic back up on I-70 eastbound from West 32nd to Vail. In 2020, a temporary repair was performed to mitigate the potential for falling concrete and keep the structures operating safely until it can be replaced. These structures are listed as Top Tier projects in the July 2020 Bridge Enterprise Prioritization Plan.

- **\$1,263,300 FASTER Funds - Design Phase:** Increase the design phase through final design.

I-70 ML over West 32nd Ave in Jefferson County
 (Old E-16-HE & E-16-HF) (new not assigned yet) (SAP Project # 23673/1000...)
Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2021	FY 2022	FY 2023			
Design	FASTER Bridge Funds	\$ 606,200	\$ 1,263,300	\$ -	\$ -	\$ 1,263,300	\$ 1,869,500	\$ 342,545
	Total Design	\$ 606,200	\$ 1,263,300	\$ -	\$ -	\$ 1,263,300	\$ 1,869,500	\$ 342,545
Total Project Budget & Expenditure		\$ 606,200	\$ 1,263,300	\$ -	\$ -	\$ 1,263,300	\$ 1,869,500	\$ 342,545
			Year of Expenditure			Total Request		
			FY 2021	FY 2022	FY 2023			
			\$ 439,300	\$ 824,000	\$ -		\$ 1,263,300	

Region 2:

This request is to establish the construction phase budget for the replacement of structures I-17-GQ and I-17-GR. The structures are located on I-25 at mile marker 135 and cross over South Academy Boulevard in Colorado Springs. Built in 1971, the steel girder bridges are approximately 305-feet long, have a combined average daily traffic (ADT) of 49,000, and are at the end of their useful service lives. Both bridges have weld cracks that are propagating into the primary structural members, significant cracks in the deck, spalling with exposed rebar, and issues with the concrete slope pavement at abutments and wingwalls due to recurring drainage issues. The most recent Structure Inspection and Inventory reports rated both superstructures 4 out of 9 which correlates to “poor” condition and a classification of structurally deficient.

Region staff informed Bridge Enterprise that the planned and unplanned repairs have increased in frequency and scope in recent years and have been a significant burden on CDOT. Per the Region, repairs

of potholes on the bridges have repeatedly led to the identification of more serious issues involving the integrity of the bridge decks and support structure. In turn, these discoveries have resulted in planned and emergency resurfacing projects, occasionally causing the closure (partial or whole) of this section of the I-25 corridor. The replacement of these bridges will result in significant reductions in operational and maintenance costs over the life of these assets and improve reliability for passenger and freight and vehicles utilizing the corridor. Additionally, this project is a key component of the larger Military Access, Mobility, and Safety Improvement Project (MAMSIP) in Region 2. MAMSIP is expected to enhance connectivity and accessibility at several military installations in the Pikes Peak region. These structures are listed as Top Tier projects in the July 2020 Bridge Enterprise Prioritization Plan.

- **\$24,940,100 FASTER Funds - Construction Phase:** Establish the construction phase.

I-25 ML over South Academy Boulevard in El Paso County
 (Old I-17-GR & I-17-GQ) (New I-17-GS) (SAP Project # 23605/1000...)
 Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2021	FY 2022	FY 2023/24			
Design	FASTER Bridge Funds	\$ 1,724,900	\$ -	\$ -	\$ -	\$ -	\$ 1,724,900	\$ 1,128,960
	Total Design	\$1,724,900	\$ -	\$ -	\$ -	\$ -	\$ 1,724,900	\$ 1,128,960
Construction	FASTER Bridge Funds	\$ -	\$ 24,940,100	\$ -	\$ -	\$ 24,940,100	\$ 24,940,100	
	Total Construction	\$ -	\$ 24,940,100	\$ -	\$ -	\$ 24,940,100	\$ 24,940,100	\$ -
Total Project Budget & Expenditure		\$ 1,724,900	\$ 24,940,100	\$ -	\$ -	\$ 24,940,100	\$ 26,665,000	\$ 1,128,960
			Year of Expenditure			Total Request		
			FY 2021	FY 2022	FY 2023/24			
			\$ 3,325,350	\$ 9,976,000	\$ 11,638,750	\$ 24,940,100		

Region 3:

This request is to establish the construction phase budget for the I-70 over Forest Service Road Concrete Box Culvert (CBC) replacement project. The existing structure is a CBC that carries I-70 east and westbound traffic and functions as a single lane turnaround for CDOT maintenance and local emergency response vehicles. The most recent Structure Inspection and Inventory Report rated the culvert 4 out of 9 which correlates to “poor” condition and a classification of structurally deficient. During past inspections, it was discovered that the depth of fill above the structure exceeds the design depth by up to six feet in areas. Region staff have indicated that this condition may reduce the capacity of the structure to carry vehicular loads. A significant number of cracks have been documented in inspection reports. Some of the documented structure cracks include numerous top slab longitudinal cracks with active leakage, vertical cracking on the walls up to ½ inch wide, and spalling and corroding rebar on the bottom slab (which is used as the riding surface). CDOT maintenance staff and the Summit County Fire Department informed Bridge Enterprise of numerous operational challenges related to the substandard geometry of the structure. These issues were corroborated by inspection findings which noted several areas of impact damage on the structure.

The CBC will be replaced with two side by side precast box beam bridges using Construction Manager General Contractor (CM/GC) project delivery. The new structures will be designed to accommodate the turning movements of vehicles used by both CDOT maintenance and the Summit County Fire Department. The new structure geometry will also significantly improve operations and provide more reliable response times for CDOT maintenance and emergency responders in this segment of I-70 by providing clearance to pass disabled vehicles; allowing vehicles to safely navigate the turnaround during icy conditions; eliminating head-to-head vehicle conflicts in the structure; and providing adequate clearance so the structure can be used as an emergency turnaround for the travelling public in the event of a closure of the Eisenhower/Johnson Tunnel. This structure is listed as a Top Tier project in the July 2020 Bridge Enterprise Prioritization Plan.

- **\$15,075,600 FASTER Funds - Construction Phase:** Establish the construction phase.

I-70 over Forest Service Road in Summit County
 (Old F-13-S_Minor) (New F-13-V and F-13-VA) (SAP Project # 22712/1000...)
 Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2021	FY 2022	FY 2023			
Design	FASTER Bridge Funds	\$ 1,581,610	\$ -	\$ -	\$ -	\$ -	\$ 1,581,610	\$ 1,203,838
	Total Design	\$ 1,581,610	\$ -	\$ -	\$ -	\$ -	\$ 1,581,610	\$ 1,203,838
Miscellaneous	FASTER Bridge Funds	\$ 263,073	\$ -	\$ -	\$ -	\$ -	\$ 263,073	\$ 262,200
	Total Miscellaneous	\$ 263,073	\$ -	\$ -	\$ -	\$ -	\$ 263,073	\$ 262,200
Construction	FASTER Bridge Funds	\$ -	\$ 15,075,600	\$ -	\$ -	\$ 15,075,600	\$ 15,075,600	\$ -
	Total Construction	\$ -	\$ 15,075,600	\$ -	\$ -	\$ 15,075,600	\$ 15,075,600	\$ -
Total Project Budget & Expenditure		\$ 1,581,610	\$ 15,075,600	\$ -	\$ -	\$ 15,075,600	\$ 16,657,210	\$ 1,203,838
			Year of Expenditure			Total Request		
			FY 2021	FY 2022	FY 2023			
			\$ 3,001,946	\$ 10,943,269	\$ 1,130,385	\$ 15,075,600		

Region 4:

This request is to increase the design phase budget for the final design of a project to replace seven eligible bridges as a part of the Eastern Plains Timber Bridge Replacement Bundle. Initial design funding for this project was approved in April 2019 and allowed Region staff to start survey of the structures and to advance early design work. In December 2019, a budget supplement was approved to advance the preliminary design and is nearing completion. This request is the next step in the planned incremental budgeting process and will provide funding to complete final design. The Eastern Plains Timber Bridge Replacement Bundle includes a total of 10 rural bridges that are being delivered in Regions 1 and 4 using the Construction Manager General Contractor (CM/GC) project delivery method. External (non-Bridge Enterprise) funding has been identified for the three non-eligible bridges included in this project to capitalize on the economies of scale of a larger program of works.

All seven of the eligible structures were rated poor in the most recent Structure Inspection and Inventory reports and are classified as structurally deficient. These bridges have an average age of nearly 80 years and have reached the end of their useful service lives. Six of the bridges have deteriorated to the point that they are load restricted, which limits trucking routes through major sections of these corridors. The replacement of these bridges will provide a significant improvement for rural mobility and intra and interstate commerce, particularly for the movement of agricultural and resource products. Six out of the seven poor bridges are top tier candidate bridges in the July 2020 Bridge Enterprise Prioritization Plan with the remaining bridge classified as a second-tier candidate bridge. Based on its location and the anticipated scope of work for the replacement, the second-tier bridge has been included in this bridge bundle to capitalize on the economies of scale of the larger program of works.

- **\$2,633,500 FASTER Funds - Design Phase:** Increase the design phase through final design.
 1. D-28-D US 34 ML over Republican River, Yuma County
 2. D-25-E SH 61 over Surveyor Creek, Washington County
 3. F-20-J US 40 ML over Draw, Arapahoe County
 4. C-22-K US 6 ML over UPRR, S. Platte River, Beaver Canal, Morgan County
 5. F-19-E US 36 ML over Draw, Arapahoe County
 6. F-20-L I-70 Service Road over Draw, State Road, Arapahoe County
 7. D-24-O US 34 ML over Draw, Washington County

Eastern Plains Timber Bridges in Various Counties
 (Old Various) (new not assigned yet) (SAP Project # 23010/1000...)
 Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2021	FY 2022	FY 2023			
Design	FASTER Bridge Funds	\$ 1,792,700	\$ 2,633,500	\$ -	\$ -	\$ 2,633,500	\$ 4,426,200	\$ 825,169
	Total Design	\$ 1,792,700	\$ 2,633,500	\$ -	\$ -	\$ 2,633,500	\$ 4,426,200	\$ 825,169
Total Project Budget & Expenditure		\$ 1,792,700	\$ 2,633,500	\$ -	\$ -	\$ 2,633,500	\$ 4,426,200	\$ 825,169
			Year of Expenditure			Total Request		
			FY 2021	FY 2022	FY 2023			
			\$ 1,159,600	\$ 1,473,900	\$ -		\$ 2,633,500	



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
 FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
 DATE: JANUARY 21, 2021
 SUBJECT: MONTHLY CASH BALANCE UPDATE

Purpose

To provide an update on cash management, including forecasts of monthly revenues, expenditures, and cash balances in Fund 400, the State Highway Fund.

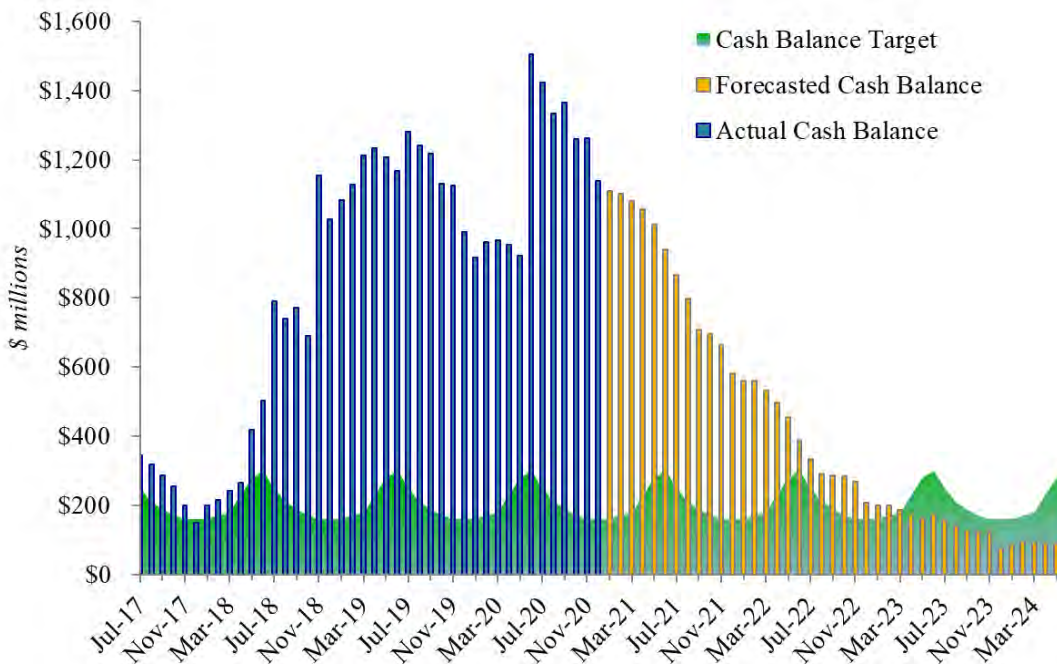
Action

No action is requested or required at this time.

Background

Figure 1 below depicts the forecast of the closing Fund 400 cash balance in each month, as compared to the targeted minimum cash balance for that month (green shaded area). The targeted minimum cash balances reflect the Transportation Commission’s directive (Policy Directive #703) to limit the risk of a cash overdraft at the end of a month to, at most, a probability of 1/1,000 (1 month of 1,000 months ending with a cash overdraft).

Figure 1 – Fund 400 Cash Forecast





Summary

Due to the events in response to the global COVID-19 pandemic, including the statewide stay-at-home order in early 2020 and evolving public health order restrictions thereafter, the Department anticipated a significant immediate impact to revenue collections, followed by a longer downturn. Reduced motor fuel tax collections, due to decreased travel, along with corresponding reductions in other sources, has negatively impacted the short-term revenue and associated cash forecast. The initial forecast at the start of the economic disruption estimated a loss of approximately \$50 million between March 2020 and February 2021. Between March 2020 and December 2020, motor fuel collections are about \$52 million less than the same time frame last year.

Based upon motor fuel sales collection data over the last six months and VMT levels stabilizing slightly below historic norms, the current forecast now assumes a 7% reduction of pre-pandemic monthly gross gallons of gasoline consumed through March 2021, followed by a 5% reduction thereafter through December 2021.

The forecast continues to reflect the Department's anticipated cash balance based on the current budget allocation plan and associated planned project expenditures. As the COVID-19 pandemic continues to unfold and more data and information become available, staff will closely monitor the impact to the Department's revenue stream, update the cash forecast, and regularly inform the Transportation Commission.

The projected closing cash balance in December 2020 (some final figures were unavailable at the time of writing on January 12th) was \$1.14 billion; \$978 million above that month's cash balance target of \$160 million. The large cash balance results from the additional revenues listed below.

Cash Revenues

The forecast of revenues and capital proceeds includes:

Senate Bill 17-267: \$425 million in November 2018, \$560 million in June 2020, and then \$0 thereafter.

Senate Bill 18-001: \$346.5 million in July 2018, and \$105 million in July 2019.

Senate Bill 19-262: \$60 million in July 2019.

The forecast does not include \$500 million of revenues in each of FY21 and FY22 from SB 17-267 COP proceeds. Forecasts starting this month are restated to include the transit portion of all SB 17-267 COP proceeds, and the portions of projects that are to be funded from these sources. Cash balances will be drawn down closer to the target balances over the course of fiscal years 2021, 2022, and 2023 as projects funded with SB 18-001, SB 17-267, and SB 19-262 progress through construction.

December's closing cash balance is \$16.9 million lower than November's forecast of that balance, due largely to lower than forecasted federal reimbursements and higher than forecasted expenditures on facilities, equipment, and services.



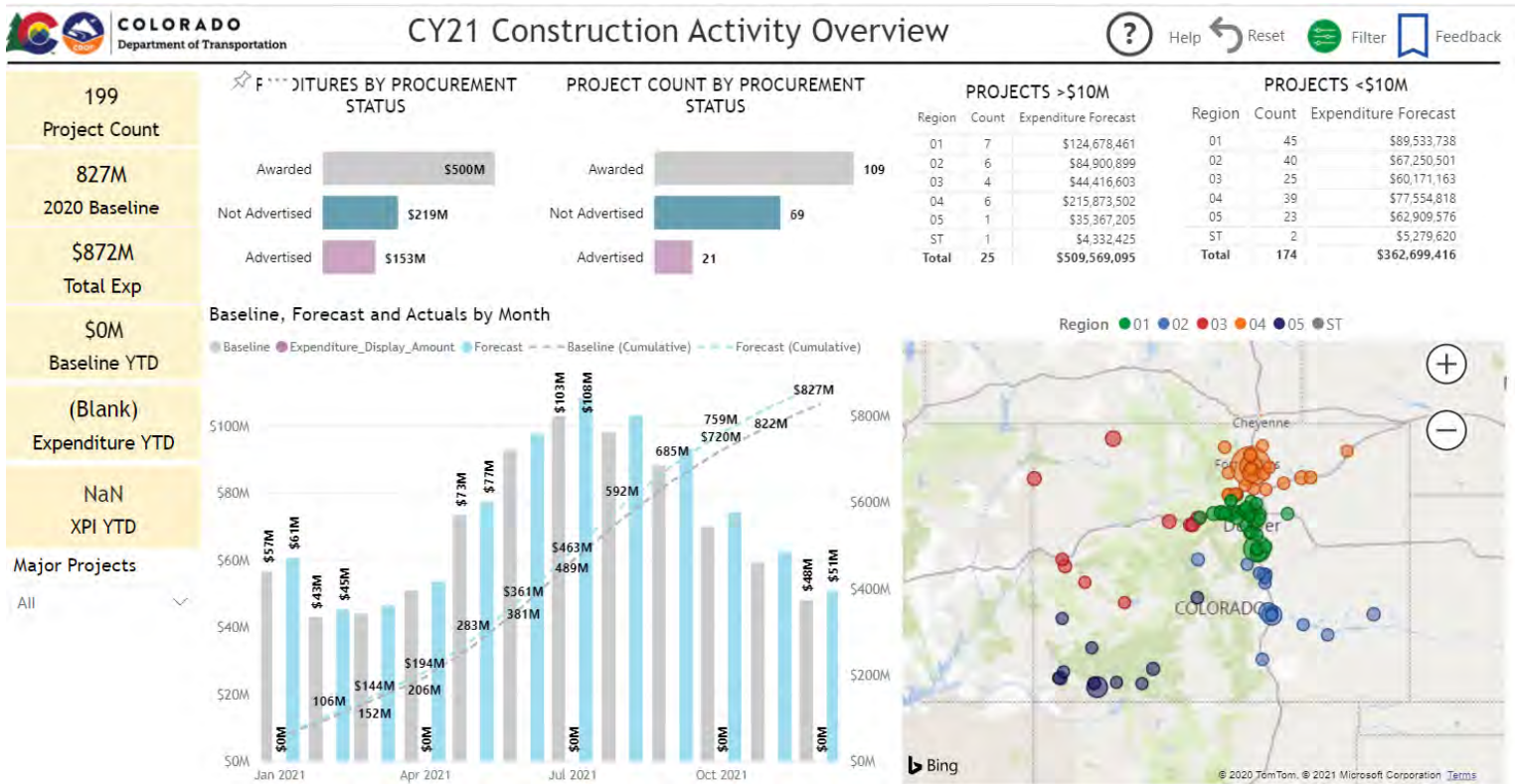
Cash Payments to Construction Contractors

The current forecast of payments to construction contractors under state contracts (grants paid out under inter-government agreements for construction are accounted for elsewhere in the expenditure forecast) from Fund 400 is shown in Figure 2 below.

Figure 2 – Forecasted Payments - Existing and New Construction Contracts

\$ millions	CY 2017 (actual)	CY 2018 (actual)	CY 2019 (actual)	CY 2020 (forecast)	CY 2021 (forecast)	CY 2022 (forecast)	CY 2023 (forecast)	CY 2024 (forecast)
Expenditures	\$642	\$578	\$669	\$774	\$890	\$764	\$492	\$427

The graph below details CY21 baseline, forecast, and actual expenditures (based on December month end SAP data). CDOT's construction contractor expenditures for CY21 is forecasted to be \$872M, as indicated below. The current baseline is \$827M and will be finalized for the January month-end forecast.



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: JANUARY 21, 2021
SUBJECT: FY 21 Q2 ANNUAL REVENUE FORECAST INFORMATION UPDATE

Purpose

To provide an update to the annual Highway User Tax Fund (HUTF) forecast for the current FY 2020-21 Annual Budget and the proposed FY 2021-22 Annual Budget.

Action

This is for information purposes only. No action is requested or required by the Transportation Commission regarding this item.

Background

The Office of Financial Management and Budget (OFMB) maintains an annual revenue model that is used to guide CDOT's budget-setting process. OFMB's revenue team updates the model each quarter to monitor the course of a current year's fiscal performance, as well as inform the budget for future out-years. Some of the data used by the model includes, but is not limited to:

- National economic performance indicators, such as the year-over-year percent change in real U.S. GDP growth.
- State population and demographic data, annual vehicle miles traveled (VMT) in Colorado, and the historical performance of the state's HUTF.
- Bureau of Labor Statistics & Bureau of Economic Analysis data, such as historical and forecasted year-over-year percent changes in personal income and the consumer price index.
- The forecasted and aggregated annual interest rates on new car loans, and future retail gasoline prices from the Energy Information Administration.
- Estimated vehicle costs, including federal or state rebates for certain vehicles, as well vehicle fuel efficiency, and annual vehicle scrappage rates.

The model also includes federally or state-appropriated funding from grants or other sources, such as the Federal Highway and Federal Transit Administrations (FHWA & FTA), and the National Highway Traffic Safety Administration (NHTSA).

The outputs from this model are used to develop the Annual Budget Revenue Allocation Plan (i.e. the Budget One-sheet). During the annual budget development process, CDOT staff reconcile annual projected revenues with the expenditure requests from all of the Department's divisions and executive management and update the Revenue Allocation Plan as decisions are made. Staff provides draft and final versions of the Revenue Allocation Plan for formal review and approval by the Transportation Commission, which then becomes CDOT's official budget for the next fiscal year.



Summary

The ongoing economic disruptions from the COVID-19 pandemic continue to cause distortions to expected traffic volumes and subsequent revenue collections for the state’s HUTF. Based on the gross gallons of gasoline sold at the end of FY 2019-20, it is estimated that VMT dropped last fiscal year by 6.8% compared to FY 2018-19. Combined with the disruption to motor vehicle registration revenues that occurred simultaneously, FY 2019-20 witnessed a total shortfall in revenue of (\$33.7) million compared to the originally forecasted budget. OFMB projected during the last update in September that VMT would recover by about 4.0% in FY 2020-21, and resume normal, pre-pandemic VMT growth again at 1.37% starting in FY 2021-22. The revised HUTF forecasts for both fiscal years amounted to a reduction of (\$37.6) million and (\$45.6) million, respectively, given the available data and trends at the time, and barring additional significant disruptions to the economy and traffic patterns similar to the effects of the state’s Stay-at-Home order during March and April.

Updates to Revenue Projections (FY 2020-21 and FY 2021-22)

The updated forecast, which now includes actual motor fuel sale data from Q1 of FY 2020-21, illustrates a marginally larger shortfall relative to the revised budgets for FY 2020-21 and FY 2021-22 of (\$7.3) million between the two years combined.

Figure 1 - Budget & Forecast of Annual HUTF Revenue

CDOT HUTF Distribution (In millions \$)

	<i>vs. Original</i>				<i>vs. Revised</i>		
	Original	Revised	<i>Difference</i>	<i>% Change</i>	Updated	<i>Difference</i>	<i>% Change</i>
FY 2020-21 Budget	\$587.0	\$549.4	<i>(\$37.6)</i>	<i>-6.4%</i>	\$546.1	<i>(\$3.3)</i>	<i>-0.6%</i>
FY 2021-22 Forecast	\$592.5	\$546.8	<i>(\$45.6)</i>	<i>-7.7%</i>	\$542.9	<i>(\$3.9)</i>	<i>-0.7%</i>

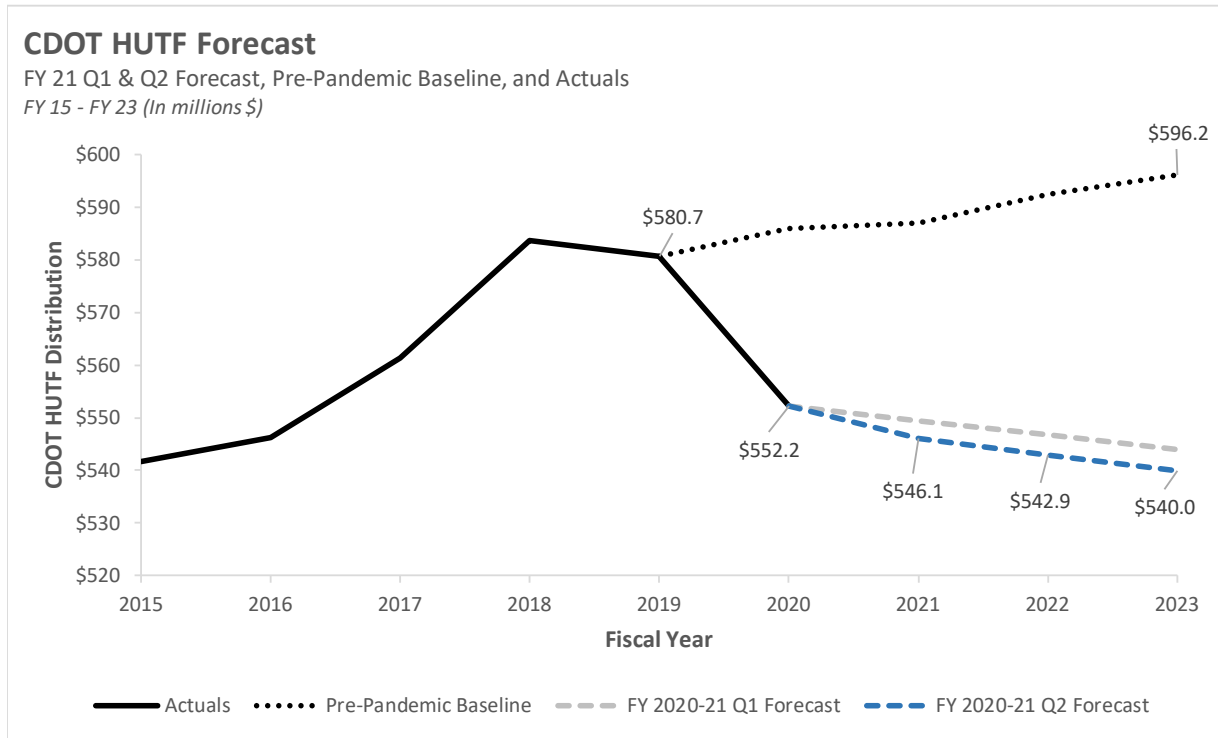
Data from the Department of Revenue for gross gallons of gasoline sold in July, August, and September indicate that sales were lower by 11%, 11.7%, and 8.1%, respectively, compared with the same months in 2019. In the meantime, updates from the Division of Transportation Development regarding monthly VMT rates compared to pre-pandemic levels demonstrate that traffic volumes were down 6.2% in October, and 6.9% in November.

Given the current trend in fuel sales and using VMT as a proxy where motor fuel data is still unavailable, the forecast assumes that gasoline consumption will remain on average at 7% below pre-pandemic levels through March, and then begin to recover in April to 5% until the end of June. Driving and traffic patterns impacted by the pandemic appear to have recovered and plateaued over the last few months and will likely continue at the same rate for the remainder of the winter. However, the administering of vaccinations during that same timeframe, combined with the anticipated second phase of vaccine distribution among other population segments starting sometime in the spring, will likely lead to more traveling within the state as the weather begins to warm up. This forecast update ultimately results in a modest downward revision in total VMT growth to 3.30% in FY 2020-21, thus resulting in the slight reduction in forecasted revenue driven by lower motor fuel collections.

The total forecasted annual VMT growth for FY 2021-22 remains the same as last quarter’s update at 1.37% and is expected to remain at relatively similar levels for the near future due to longer-lasting changes in traffic patterns, such as persistent trends in telecommuting beyond the pandemic. This will continue to impact fuel sales for some time.



Figure 2 - Updated Projection of HUTF Forecast



The latest quarterly statewide HUTF forecasts from the Office of State Planning and Budget (OSPB) and Legislative Council Staff (LCS) project similar total revenues for FY 2020-21 at \$10.5 million and \$6.7 million, respectively, more than OFMB’s latest projection of \$1,066 million. However, the forecasts between the Department’s and those from both OSPB and LCS begin to diverge in FY 2021-22, due largely to anticipated total motor fuel receipts. Both agencies forecast a 5% increase in fuel sales next fiscal year relative to their current projections for FY 2020-21, whereas OFMB continues to project revenues from fuel remaining relatively flat in the short-term for now.

Update to FY 2020-21 & FY 2021-22 Budget

At this time, staff does not believe the changes to revenue projections are substantial enough to warrant modifications to the allocations for the FY 2020-21 budget or the FY 2021-22 proposed budget. The updates for both fiscal years represent less than a 1% drop in revenue versus the Office’s previous quarterly forecast and continued economic uncertainty in the meantime suggests that the Department’s situation could still improve or worsen. OFMB staff will continue monitoring the state’s HUTF revenues throughout the remainder of FY 2020-21, review its forecast again as more data and information become available, and return to the Transportation Commission in April with recommendations on whether more changes are needed.





COLORADO

Department of Transportation

Division of Transit & Rail
2829 W. Howard Place
Denver, CO 80204-2305

DATE: January 5, 2021
TO: Transportation Commission
FROM: David Krutsinger, Director - Division of Transit and Rail
Michael Timlin, Senior Manager of Mobility Operations
Kyle French, Bus Operations Manager
RE: Bustang - Winter Operation Plans

Purpose

The purpose of this memo is to provide information regarding Bustang's winter operation plan, currently in effect.

Action

Informational only, no action is required.

Background

The Bustang interregional bus service resumed operations on June 28, 2020. To relaunch service, CDOT, the Colorado Department of Public Health and Environment (CDPHE), and the Office of Emergency Management (OEM) partnered together to create an operational plan that outlined the regulations and requirements the Bustang service to resume service safely. Part of those plans called for Bustang to reduce service and reduce seats available on each vehicle.

Bustang services have been running at a reduced capacity as of their relaunch on June 28 and have implemented stringent social distancing measures onboard. To meet the requirements of the CDPHE while maintaining the ability to provide transportation for essential purposes to stakeholders, we have further adapted our reduced service for the winter months.

Details

Weekday Services -

Thus far, the North and South Lines have not experienced any significant growth requiring any schedule modifications are warranted. Ridership on the North and South line remains steady with the posted schedule, and we will continue to monitor ridership as the Spring semester begins.

To adapt to the West line's ever-increasing ridership, we have added one round trip each weekday from Denver Union Station to the Vail Transit Center. We trust that this addition will assist in accommodating this "Pandemic" Winter peak demand. However, many "Loop Extra" buses continue to operate daily to handle 130-160 rides per day, indicating the West Line is well ahead in returning to pre-COVID ridership level.

Weekend Services -

To address the passenger load on the South Line, with the addition of stops at the Denver Health Center and the Sky Ridge Medical Complex, we have added trips in each direction, in the morning and evening hours, along the South Line.

Bustang Outrider Service - On January 1, 2021, Bustang Outrider launched our newest service between Craig and Denver. This service, operating one round trip per day, seven days a week, provides a vital transportation option for passengers along I-70 and US 40. This route is the first of four to be launched under Phase 3 of the Bustang Outrider rural transportation program.

Seasonal Services -

All seasonal and event Bustang services remain postponed for the time being with plans to launch Estes Park this coming Summer.

Additional Information

The State of Colorado is currently in Phase 1A and 1B of the statewide vaccination program. As Phase 1B includes transit workers, CDOT and the DTR team will remain vigilant in making sure that transit employees statewide, including that of our contractors, can get vaccinated in a reasonable amount of time as per guidance from the CDPHE and the Colorado State Emergency Operations Center.

Next Steps

- Continue to monitor state, local, and federal pandemic responses and guidelines.
- Continue to monitor ridership, proposing new service levels and schedules as needed.
- Meet with Boulder and Estes Park officials and other Stakeholders regarding possible Seasonal Denver - Boulder - Estes Park Weekend Service starting in June-July 2021.