

The Transportation Commission Workshops took place on Wednesday, January 19, 2022, and the Regular Meeting was held on Thursday, January 20, 2022. These meetings were held in a virtual format on 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 to approve by the Transportation Commission.

Transportation Commission Workshops Wednesday, January 19, 2022, 1:00 pm – 5:00 pm

Call to Order, Roll Call:

All eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Barbara Vasquez, and Eula Adams, Yessica Holguin, and Terry Hart.

Eisenhower Johnson Memorial Tunnel (EJMT) Project Needs Workshop (Jerad Esquibel and Neil Retzer)

Purpose: With the passage of SB21-260, the legacy Colorado Bridge Enterprise's scope was expanded to include tunnel projects. This workshop is intended to provide an overview of the existing maintenance and repair backlog at the Eisenhower Johnson Memorial Tunnel (EJMT) facility and ongoing efforts by CDOT and the Bridge and Tunnel Enterprise (BTE) to maintain this asset in a state of good repair.

Action: No approval action is being requested this month. Staff are requesting Board feedback on the proposed projects and potential BTE program funding contributions.

Discussion Summary:

- The EJMT tunnels require approximately \$150 million of maintenance need and has been identified as the number one priority need in the tunnel asset class. Commissioners discussed how the BTE prioritizes needs and whether the enterprise receives enough funding for maintenance to ensure there aren't failures that cause serious safety issues or damage.

Floyd Hill Project Scope Discussion (Steve Harelson and Keith Stefanik)

Purpose: The purpose of this TC workshop is to clarify the scope of the I-70 Floyd Hill to Veterans Memorial Tunnels Project (Project) utilizing the Construction Manager/General Contractor (CM/GC) as the main Alternative Delivery Method. To provide clarity, the use of CM/GC as the main Alternative Delivery Method is for the full scope of the Project, both westbound and eastbound directions.

Action: The TC is asked to adopt a resolution that supports the clarification of the CM/GC method for the entire project.

Discussion:

- Senate Bill 2021-260 requires additional transparency and accountability requirements for this alternative delivery method, which are being met as staff conduct the procurement. Including the additional eastbound portion in this now is anticipated to save \$100 million overall compared to estimates if it was advertised later and separately.

10-Year Plan Update and Fiscal Constraint (Rebecca White)

Purpose: The purpose of this workshop is to provide the TC with an update on the 10-Year Plan financial considerations.

Action: No action is required. This agenda topic is for informational and discussion purposes only.

Discussion:

- Staff recommended changing the rural pavement category for future years in the Plan to include rural interstate to address the prolonged history of poor rural interstate pavement condition. Some were concerned that the rural interstates, if added to the rural paving portion of the Plan, would take up the lion share of funding, which would negatively impact the other rural roadways without also adding additional funding to the rural paving program.
- Staff also recommended eliminating the 10% minimum for transit in the Plan and instead include transit investments within overall Plan equity targets. Commissioners discussed how this might affect the planned transit investment in rural areas where transit is generally less viable as a mobility solution and need than in urban areas. Emphasis was made that transit projects should be continually reassessed to ensure the planned investments reflect current needs while also considering how to plan for the future of transit.
- Commissioners discussed the importance of identifying the safety components of all projects, but to also clarify that the responsibility to attain the zero-deaths target is everyone's responsibility, but CDOT can and should do more.

Multimodal Options Fund (MMOF) Distribution Formula for Local Dollars (Rebecca White, Amber Blake)

Purpose: To review and consider adoption of an updated formula for distribution of local Multimodal Transportation & Mitigation Options Fund (MMOF) funding to the Transportation Planning Regions (TPRs). This briefing and discussion was a follow up on the previous discussion on this topic at the November 2021 TC meeting.

Action: The TC is requested to review the recommendations of the STAC, Transit and Rail Advisory Committee (TRAC) and MMOF Advisory Committee and adopt by resolution an updated distribution formula for Local MMOF funding.

Discussion:

- No further discussion or questions.

Bustang/Pegasus Update (Amber Blake)

Purpose: The purpose of this memo is to provide an update on the upcoming Pegasus service.

Action: Informational only - no action is required.

Discussion:

- Staff indicated that due to market delays on the delivery of some transit vehicles, the Pegasus service expansion between Denver and Avon will begin in April 2022. Commission had questions about the per-rider cost of Bustang services generally. Staff will follow up to provide that information.
- CDOT continues progress to procure consultant support for the development of the Connected Colorado systems that would enable transit users to plan and book fully integrated and connected transit routes. This system will also provide CDOT information to help identify where there are major voids in the routes that connect regional to local transit services.

Freight Committee: Truck Parking and NHFP Funding (Craig Hurst)

Purpose: The purpose of this workshop/Committee meeting is to update the Freight, Regional, and Interstate Mobility Committee on the progress made related to the Truck Parking Public Private Partnership (P3).

Action: TC is asked for concurrence on this month's budget supplement on utilizing National Highway Freight Program (NHFP) Funding in the amount of \$2 million dollars for the SH79 over I-70 Bridge design as CDOT's contribution to the Truck Parking P3 Initiative.

Discussion:

- The Town of Bennett is expected to adopt a resolution demonstrating intent to partner with CDOT and the Love's Truck Stop to build additional truck parking capacity at this location.
- A similar future partnership opportunity exists in the north Pueblo area where the existing Pinon Rest Stop exists.

Transportation Commission Regular Meeting Thursday, January 20, 2022, 9:00 am to 10:30 am

Call to Order, Roll Call:

Eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Terry Hart, Yessica Holguin, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Eula Adams, and Barbara Vasquez

Public Comments

Provided to the Commission in writing prior to the meeting:

- Marie Venner, of Venner Consulting, testified on behalf of multiple statewide faith coalitions, community groups to the importance that statewide efforts achieve real equity. She suggested that Colorado refocus and learn from how California has tackled the issue. She believes that investment should be focused on the rural road resurfacing needs, and that it is critical to reprioritize projects. The state can't afford lane widening even when classified as safety projects. Colorado Law committed to reducing pollution by 26%. This should be achieved by having road builders focus on resurfacing. As a researcher she knows the ample evidence showing that widening increases pollution. The model is not adequately accounting for induced demand, and needs to be recalibrated. But the list we are building right now is what matters most. It's time to focus more on new strategies such as broadband, and the state should only allow projects that improve accessibility and mobility, air quality, and they should be at the top of the list for the next 10 years. Reorient funds to serve full range of access including the 20%-40% of each community that doesn't drive.
- The two written comments that were received were entered into the record: One was from Tom Quinn on 1216-21, and the other was on 1218-21 from Dennis A.

Comments of the Chair and Individual Commissioners

- Commissioner Stuart: Thanked Paul Jesaitis for his service to CDOT as the Region 1 RTD. He did an extraordinary job for Region 1 during his long tenure. She acknowledged Marilen Reimer of American Council of Engineering Companies (ACEC), who is retiring and was the recipient of Women's Transportation Seminar's (WTS's) Woman of the Year award.
- Commissioner Adams: Commended Paul Jesaitis for his remarkable service, and welcomed Marsha Nelson to CDOT, noting how pleased he is with her addition to the team to address how much more that still needs to be done for disadvantaged communities. He also pointed out the far-reaching impacts of diminishing voting rights nationally and at the state level. He acknowledged that roads are paved and open because of CDOT's efforts, and expressed appreciation for all that work. Commended fellow

Commissioners for all of their expertise, dedication, and commitment, and remarked on how inspiring it is to him to ensure roads safer for all of us.

- Commissioner Hart: Wished everyone a happy new year and expressed optimism that the year ahead will be a great year with an end to COVID. Looking forward to working on the TC in 2022.
- Commissioner Holguin: Commented on the rising fatality rates, noting that 672 fatalities are way too many. She noted that speeds are also increasing, and that it will take a collective effort to ensure that we are doing what we can about this. Wants to increase awareness.
- Commissioner Vasquez: Brought wildlife mitigation efforts into focus, and is happy to see better integration of wildlife mitigation structures, and have seen them successfully implemented in a number of settings. One thing to acknowledge is the management of the land surrounding the structures. As part of statewide planning process, Colorado Parks and Wildlife (CPW) is trying to finalize an effort to map pinch points, and thinks the TC should see these maps and see how they can integrate with the 10-Year Plan projects.
- Commissioner Garcia: Echoed Commissioner Holguin's comments on safety. He thanked CDOT for all of their work clearing the roads, especially on Wolf Creek Pass, that got over 10 feet of snow during the storm.
- Commissioner Hickey: Thanked CDOT staff for the CO 115 presentation in January. It was well received. Designs are focused on improving safety, and safety is a priority. Commissioner Hickey would like to see legislation focused on tackling safety, with particular attention to improving access points to highways, and thinks there needs to be more consideration as they can really cause a lot of safety problems. Consider more education about poor driver behavior. Safety of law enforcement and construction workers should be paramount in these considerations.
- Commissioner Bracke: Echoed fellow Commissioner's safety concerns, and noted the importance of focusing on all of three of the "E's" (education, engineering, enforcement). Thanked Region 4 and HQ staff for helping in response to the Marshall Fire. She noted that it will be a long road to recovery. She pointed out that CDOT was there from the beginning in helping with evacuation and ongoing services to provide, and thanked all at CDOT involved in supporting those efforts. It was a combination of horrific event and heroic efforts. This latest wildfire in Colorado, a historic event, emphasizes why transportation is so important for a stronger and more resilient environment for all communities. Recognized the Region 4 team for all progress on I-25. Can see the improvements every day. Also pointed out what a great experience it was to watch the PBS documentary on the archeology around the US 550/US160 project.
- Commissioner Beedy: Stressed the need to increase funding for maintenance line items given the higher inflation rates, and also noted that there was a need to start to look for more funding that could be dedicated to maintenance needs. While he applauds efforts to take another look at the 10-Year Plan, he feels CDOT is falling short on investment for day-to-day needs.
- Commissioner Stanton (Vice Chair): Remarkd on what a big loss Paul Jesaitis's departure is for CDOT. He enjoyed the documentary on US550/160 as well. He echoed Commissioner Holguin's comments on fatalities, and noted that 37% of the crashes involved impaired driving. In Region 1 young drivers were involved in 11 deaths. He also pointed out the new national roadway safety strategy to improve safety on roads.
- Commissioner Hall (Chair): Observed the wonderful snow, and severe ice, and a provided a shout out to John Lorme, CDOT Division of Maintenance and Operations Director on how they did an excellent job maintaining the roads, so people can get out to go skiing.

Executive Director's Management Report (Shoshana Lew)

- Recognized maintenance work crews for their work in keeping roads open over the holiday snowstorm, noting that the advanced planning, coordination, and leadership from John Lorme and Sean Wilson enabled such an effective response.
- Remarkd on all the good projects accomplished over the last construction season, and pointed to Region 3 as a great example. While there are a lot of challenges ahead it is promising to see all of the progress that has been made.

Chief Engineer's Report (Steve Harelson)

- Paul Jesaitis has had an outstanding career, worked closely with Steve prior to his time as Director. Paul did great work as the Castlewood Canyon engineer, where Chief Engineer Harelson got to work alongside Paul. Paul has also worked at Caltrans and FHWA. Paul was always someone that could be depended on for an answer to complex problems when needed.
- Attention was given to a program called 2D quick checks, used to model rivers and bridge scour. Models are always imperfect and sometimes useful at best, but this model is incredibly useful to CDOT despite its imperfections. The tool models water flows in rivers in more than one dimension, which is very difficult to do computationally, but very useful because it shows where eddies occur. Three folks have been working on developing a protocol to do this analysis. It takes 30 hours to run, but does a lot to armor the bridge foundation.
- Engineer's book club of the month is by a physicist, Richard Feynman, who worked on the Manhattan Project, the Challenger, and wrote two books in the 80s about the importance of recognizing how little is known when applying the scientific method. While the scientific method can lead us to the truth, the basic philosophy is that we don't know anything. Just when you think you have gotten it figured out, you always have to look for how it could be wrong. "Surely, You're joking Mr. Feynman" is the book of the month.

High Performance Transportation Enterprise (HPTe) Director's Report (Nick Farber)

- The Board discussed HB 22-1074 to prohibit vehicles on the Mountain Express lanes when closed and prohibiting oversized vehicles from using, as there have been a lot of violations. While we have been lucky to have avoid any accidents so far, it's only a matter of time before it results in disastrous consequences. Right now, there is no ability to charge fines or penalties when closed, but the proposed legislation would give the board the ability to set fines for such violations. They are also working on technology to automate enforcement of cars avoiding toll.
- The HPTe Board approved the 3rd amendment to the public tolling agreement. They are also working to extend the E-470 public highway tolling authority tolling service agreement to every three years.
- January semi-annual report Intra-Agency Agreement (IAA) update: They continue to work on congestion management, they provide subject matter expertise, and over last six months the developed and led a toll lane equity program. This work included numerous meetings with stakeholders and will have more on that program at next month's workshop. They also worked very closely on an operations and maintenance inspection framework. They worked on the Transportation Infrastructure Finance and Innovation Act (TIFIA) I-25 north loan, and preparing for the Federal/Colfax interchange< which will kick off next month.
- The ROADIS, USA unsolicited proposal is due next week, but they can request more time if needed.

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

- John showed a picture of a ROD signing event for the Central 70 project that was 5 years ago, and noted that only 2 of those staff in the picture are still with CDOT, so important to recognize that things change quickly. This demonstrates that making improvements requires quick action.
- Brought attention to the Everyday Counts (EDC) program on its 6th phase. It includes 8 initiatives to encourage integrating proven technologies that are out there that could be implemented to improve things. The first is crowdsourcing data to improve operations. Second, using digital as-builts; third, applying next generation traffic incident management. So, taking the management on interstates to the rest of the system; fourth, target overlay solutions to be more precise than what we are doing to get longer life out of overlays. The fifth initiative is using ultra-high concrete bridge preservation and repair to use high performance concrete; sixth, is virtual public Involvement strategies, and leveraging those technologies to reach everyone.
- He also recognized Paul Jesaitis for his service, and noted that Paul used to work at FHWA.

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

- Herman Stockinger gave an update on personnel changes, including new staff, Marsha Nelson, CDOT Branch of Environmental Justice and Equity Manager, and Hannah Reed, CDOT Office of Policy and

Government Relations Grant Writer. They talked about Federal grants coming, and asked if STAC members could contact CDOT to coordinate on those when contemplating applications.

- The 10 Year Plan, the Marshall Fire, construction studies, driver shortages, and safety concerns were all topics of discussion.
- Legislative Report: They are working with the Colorado Legislative Joint Budget Committee (JBC) on getting spending authority for Multimodal Transportation and Mitigation Options Fund (MMOF) dollars. They are also working on a DUI law, Burnham Yard and getting more funding for the RMS program.
- Federal Infrastructure Bill update: Bridge formula will now make off-system bridges eligible for federal funding.
- 10-Year Plan and Fiscal Constraint: One thing that STAC is concerned about, which drove the discussion was elimination of the 10% set aside, and will be talking and voting on it next month. Also, the inclusion of interstates in the 25% set aside for rural resurfacing. It's time to reopen the conversation about regional equity with regard to the Regional Priority Program (RPP) formula.
- Fiscal Constraint: STAC members are still concerned that they can't proceed without fiscal constraint. Region 3 is going to have a meeting on Monday about how to go forward without that, but would really like to see dollar amounts allocated to each region to move forward with planning.
- Skipped GHG update on the final plan for the overview of rulemaking.
- Recognized Dean Bressler's contributions to STAC and his remarkable career, prior to retiring from Grand Valley MPO as a Senior Engineer in Transportation Planning.
- Revitalizing Main Streets (RMS) discussion: The Notice of Funding Opportunity (NOFO) went out in December, and the smaller grants will be available in the early part of February.

Act on Consent Agenda – Passed unanimously on January 20, 2022. Motion by Commissioner Hart, and Second by Commissioner Hickey.

- a) Proposed Resolution #1: Approve the Regular Meeting Minutes of December 16, 2021 (Herman Stockinger)
- b) Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
- c) Proposed Resolution #3: US Highway 40 Parcel 38 Rev-EX Disposal, Region 1 (Acting RTD)
- d) Proposed Resolution #4: Logan and Buchtel Parcel 835-EX Disposal, Region 1 (Acting RTD)

Discuss and Act on Proposed Resolution #5: 7th Budget Supplement of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Beedy, and Second by Commissioner Adams – Passed unanimously on January 20, 2022.

- The request is from Region 4 to increase the budget on a bridge project with due to higher than anticipated pricing from bidders. The Region doesn't anticipate better results from re-advertising. The second request is to approve \$2 million in National Highway Freight Program (NHFP) funding for Region 1 and the Town of Bennett to design new bridge structures to provide access to a truck parking facility. The Freight Advisory Council (FAC) has recommended approval.

Discuss and Act on Proposed Resolution #6: Floyd Hill Project Scope (Steve Harelson and Keith Stefanik) – Motion by Commissioner Vasquez, and Second by Commissioner Stanton – Passed unanimously on January 20, 2022.

- This resolution updates the general contractor as the main alternative delivery method of the project, and clarifies the scope of the project. As background, the TC previously requested approval of this type of alternative delivery in June. Since then, a lot has changed with the project and the federal funding bills, and issued Requests for Proposals (RFPs) to allow CDOT to solicit services for the full project with the deadline of September 2022. They are requesting an update to that resolution to clarify the scope for westbound and eastbound of Floyd Hill.

Discuss and Act on Proposed Resolution #7: MMOF Distribution Formula for Local Dollars (Rebecca White and Amber Blake) – Motion by Commissioner Stanton, and Second by Commissioner Stuart – Passed Unanimously on January 20, 2022.

- No presentation or discussion. Referred to previous discussion

Recognitions:

- None

Other Matters:

- None

Meeting Adjourned at: 10:06 am



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: February 3, 2022

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 breakdwn 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

