

Colorado Transportation Commission

Schedule & Agenda
January 19-20, 2022

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>

Kathy Hall, Chair

Grand Junction, District 7

Yessica Holquin

Denver, District 1

Don Stanton, Vice-Chair

Arvada, District 2

Eula Adams

Arapahoe County, District 3

Karen Stuart

Broomfield, District 4

Kathleen Bracke

Fort Collins, District 5

Barbara Vasquez

Cowdrey, District 6

Mark Garcia

Pagosa Springs, District 8

Lisa Hickey

Colorado Springs, District 9

Terry Hart

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 19, 2022

- 1:00 p.m. EJMT Project Needs Workshop (Jerad Esquibel & Neil Retzer)
- 1:45 p.m. Floyd Hill Project Scope Discussion (Steve Harelson, Keith Stefanik)
- 2:15 p.m. 10-Year Plan Update and Fiscal Constraint (Rebecca White)
- 3:15 p.m. MMOF Distribution Formula for Local Dollars (Rebecca White, Amber Blake)
- 4:15 p.m. Bustang Pegasus Update (Amber Blake)
- 4:30 p.m. Freight Committee: Truck Parking and NHFP Funding
- 5:15 p.m. Adjournment

TRANSPORTATION COMMISSION MEETING

Thursday, January 20, 2022

- 8:00 a.m. Commissioner Breakfast (online only)
- 9:00 a.m. 1. Call to Order, Roll Call
- 9:05 a.m. 2. Public Comments
- 9:20 a.m. 3. Comments of the Chair and Individual Commissioners
- 9:35 a.m. 4. Executive Director's Management Report (Shoshana Lew)
- 9:40 a.m. 5. Chief Engineer's Report (Steve Harelson)
- 9:45 a.m. 6. HPTE Director's Report (Nick Farber)
- 9:50 a.m. 7. FHWA Division Administrator Report (John Cater)
- 9:55 a.m. 8. STAC Report (Vincent Rogalski)
- 10:00 a.m. 9. Act on Consent Agenda
- 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)
- 10:05 a.m. 10. Discuss and Act on Proposed Resolution #5: 7th Budget Supplement of FY 2022 (Jeff Sudmeier and Bethany Nicholas)
- 10:10 a.m. 11. Discuss and Act on Proposed Resolution #7: Floyd Hill Project Scope (Steve Harelson, Keith Stefanik)
- 10:15 a.m. 12. Discuss and Act on Proposed Resolution #8: MMOF Distribution Formula for Local Dollars (Rebecca White, Amber Blake)
- 10:20 a.m. 13. Recognitions
- 10:25 a.m. 14. Other Matters
- 10:30 a.m. 15. Adjournment

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Est. Start Time: 10:30 a.m.

BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS MEETING

Thursday, January 20, 2022

- 10:30 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 #BTE1: to Approve the Regular Meeting Minutes of December 16, 2021 (Herman Stockinger)
4. Discuss and Act on Proposed Resolution #BTE2: Bridge & Tunnel Enterprise 6th Budget Supplement for FY'22 (Jeff Sudmeier)
5. Discuss and Act on Proposed Resolution BTE#3 to Adopt the Amended BTE Board Bylaws and Articles of Organization (Jerad Esquibel)
6. Other Matters
7. Adjournment

INFO ONLY

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- December 2021 Quarterly HUTF Revenue Update (Jeff Sudmeier and Bethany Nicholas)

MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JERAD ESQUIBEL, BRIDGE AND TUNNEL ENTERPRISE DIRECTOR
DATE: JANUARY 20, 2022
SUBJECT: EJMT PROJECT NEEDS WORKSHOP

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.

Background

In a November 2021 workshop, Staff informed the Board that the Colorado Bridge Enterprise has officially become the Statewide Bridge and Tunnel Enterprise with the passage of SB21-260. At that time, it was communicated that the new law is forecast to generate \$522M in new BTE revenues by FY2032 and grants BTE the authority to repair, maintain, or enhance any tunnel that is part of the state highway system. Over the previous months, BTE has held a series of meetings with its working group of statewide stakeholders and the CDOT Executive Management Team to discuss the most pressing needs of the tunnel asset class. It was determined that the EJMT facility has the majority of the urgent statewide tunnel needs and that a funding source has not been identified to fully fund the identified projects.

The total cost of the projects needed to address current existing maintenance and repair backlog at EJMT is estimated at \$150M. These projects are currently identified in CDOT's 10-Year plan. The passage of SB21-260 reduced the unfunded backlog of projects down to \$100M by providing dedicated funds intended to accelerate the highest priority EJMT projects through a \$50M one-time allocation. BTE's anticipated new revenue from the Bridge and Tunnel Impact Fee and the Retail delivery fee is being explored as a viable option to provide the additional funding needed to carry out the unfunded 10-year plan commitments.

In the November 2021 workshop, Staff presented the Board with new program goals related to repairing, maintaining, and enhancing tunnels in a strategic, timely, and efficient manner. The goals included:

- Minimize planned and unplanned repairs that result in tunnel closures or service disruptions, reducing impacts to the traveling public and commerce, and improving safety and operations
- Address the deferred tunnel maintenance backlog for BTE eligible tunnels
- Maintain a state of good repair for BTE eligible tunnels
- Develop a long-range strategic plan to address aging, obsolete tunnel equipment and systems aligned to the CDOT 10-year plan
- Improve the resilience of critical BTE eligible tunnels.

The projects shown in the details below have been determined to be in alignment with previously vetted program goals.

Details

Below is a detailed list of recognized project needs at the EJMT. Additional information can be found in the workshop slides. The projects are grouped into three categories based on anticipated funding availability.

- 1) Projects planned and funded - SB21-260 allocated \$50M. The projects below were recognized as most pressing needs.
 - a. EJMT Drainage, Plumbing, and Heat Trace (est. cost: \$24,300,000)
 - i. Improvements to drainage, plumbing, and heat trace. The replacement of a generator, improvements to the water treatment facility, and work on the 600 HP fan motor in the north tunnel are included in the scope.
 - b. Plenum Liner (est. cost: \$10,500,000)
 - i. Repair and mitigate all plenum liner condition state 4 (structural review needed) and condition state 3 (poor condition) instances in both tunnel bores to mitigate water intrusion.
 - c. Grout Beds (est. cost: \$2,000,000)
 - i. Replace and repair grout beds that support wall panels and address steel hanger issues.
 - d. Service Areas Repair and Upgrades (est. cost: \$7,150,000)
 - i. Upgrade tunnel sensors for safety enhancements to include:
 1. LiDar over-height sensors
 2. Thermal imaging for overheated engines
 - ii. Repair of guardrail, surface drainage, asphalt pavement markings, tunnel portal brick repair, install new automated portal deicing system, and replace fire extinguisher cabinets.
 - e. Property Management (est. cost: \$4,200,000)
 - i. East and West roof repairs to prevent and mitigate water intrusion, vehicle bay ventilation improvements, and elevator replacement/repair.
 - f. ITS Project (est. cost: \$6,000,000)
 - i. Installation of variable messaging signs, camera upgrades, and lane usage signals.
- 2) Projects planned and unfunded
 - a. EJMT Control Room (est. cost: \$5,000,000)
 - i. Consolidate system monitoring stations, modernize control software by increasing automated equipment.
 - b. South Tunnel Motor Upgrades (est. cost: \$25,000,000)
 - i. Upgrade to Variable Frequency Drive as recommended by the recent Hazmat study by converting to direct drive motors.
 - c. LED Lighting Upgrade (est. cost: \$35,000,000)
 - i. Replace all interior lights with high efficiency LED lighting.
 - d. East Berm Culvert Repair (est. cost: \$10,000,000)
 - i. Repair and/or line the culvert that diverts Clear Creek to reduce water infiltration in the tunnel.
 - e. EJMT Wastewater Treatment Plant (est. cost: \$4,000,000)
 - i. Modernize plant to increase resiliency, fix leaking lines, and increase capacity.
 - f. Public Address System (est. cost: \$1,000,000)
 - i. Add a PA system inside the tunnel to instruct users of what to do in an emergency
- 3) Projects unplanned and unfunded
 - a. EJMT Foaming System
 - i. Incorporate foaming system into the fixed fire suppression system as recommended by the recent Hazmat Study.
 - b. EJMT Ceiling Fireproofing and Repair
 - i. Repair to failing tiles in the North Tunnel. Fireproofing was also recommended by the recent Hazmat study.
 - c. Various electrical, mechanical, and plumbing upgrades

Next Steps

- 1) BTE will continue development of its strategy to utilize the new bridge and tunnel fee revenues and incorporate feedback received from the Board.
- 2) Staff will return to the Board at a later date to present its investment strategy and request the authorization of the new bridge and tunnel fees to address high priority statewide bridge and tunnel projects and support CDOT with delivery of the 10-year plan.

Attachments

EJMT Project Needs Workshop



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Statewide Bridge and Tunnel Enterprise EJMT Tunnel Needs Workshop



Purpose and Need

- BTE and CDOT have identified the EJMT repair and maintenance backlog as the most significant area of need in the tunnel asset class
- Addressing these outstanding needs is a primary goal of SB21-260
- EJMT needs are captured in the CDOT 10-year project pipeline
 - \$50M has been funded through SB21-260
 - \$100M in unfunded need for planned and unplanned projects remains
- The new Bridge and Tunnel impact and Retail Delivery fees are expected to create over \$500M in new revenues over the next 10 years



EJMT Presentation Outline

- **Current SB 260 Projects (slide 4 - slide 12)**
 - What is the criteria for these projects
 - What they include
 - How much they cost
 - When they will be delivered
- **Planned but Unfunded Projects (slide 13 - slide 19)**
 - Rough scope
 - High-level cost estimate
- **Unplanned and Unfunded Projects (slide 20)**
 - Projects suggested by Studies, e.g. Hazmat Study
 - Additional analysis required to refine scope and refine estimate cost



SB21-260 Project Overview

Project Description	Proposed Budget	Proposed AD	Delivery Method
Drainage, Plumbing, and Heat Trace	\$24,300,000	NTP Spring 2022	Design-Build
Plenum Liner	\$10,500,000	March 2022	Design/Bid/Build
Grout Beds	\$2,000,000	January 2022	Design/Bid/Build
Service Area Repair	\$7,150,000	March 2022	Design/Bid/Build
Property Management	\$4,200,000	TBD	Design/Bid/Build
ITS Projects	\$6,000,000	December 2021	Design/Bid/Build
Total	\$54,150,000		

Table 1: SB21-260 Project Overview



EJMT Drainage, Plumbing, and Heat Trace

- Scope
 - Drainage, plumbing, and heat trace improvements
 - Generator replacement
 - Water treatment facility
 - 600 HP fan motor rewind (North tunnel fans)

- Contract Method
 - Design/Build

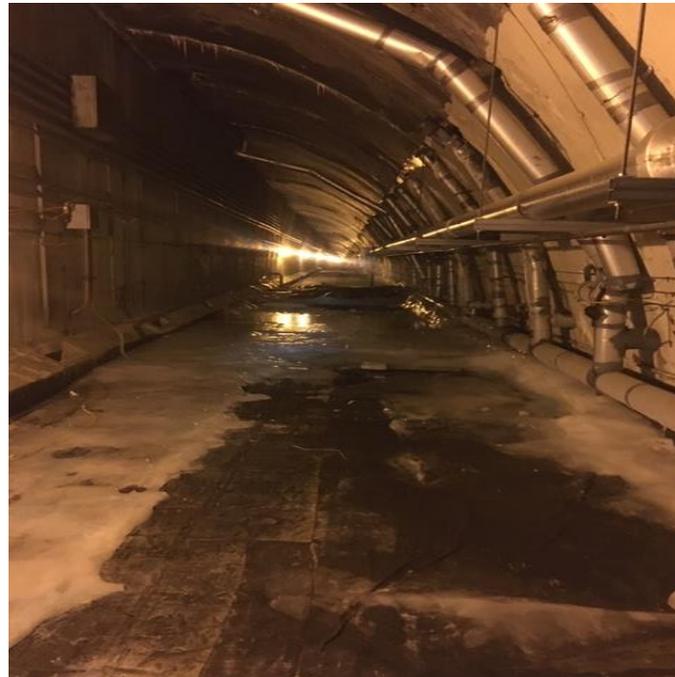




EJMT Draining, Plumbing, and Heat Trace



- Scope
 - Repair and mitigate all Condition State 4 (CS4 - structural review needed) and CS3 (poor condition) in both tunnel bores to mitigate water intrusion within the tunnel plenum liner.
 - The Condition State is on a 1 through 4 scale with 4 being the most severe



- Scope
 - Replace / repair grout beds that support wall panels and address / repair steel hanger issues





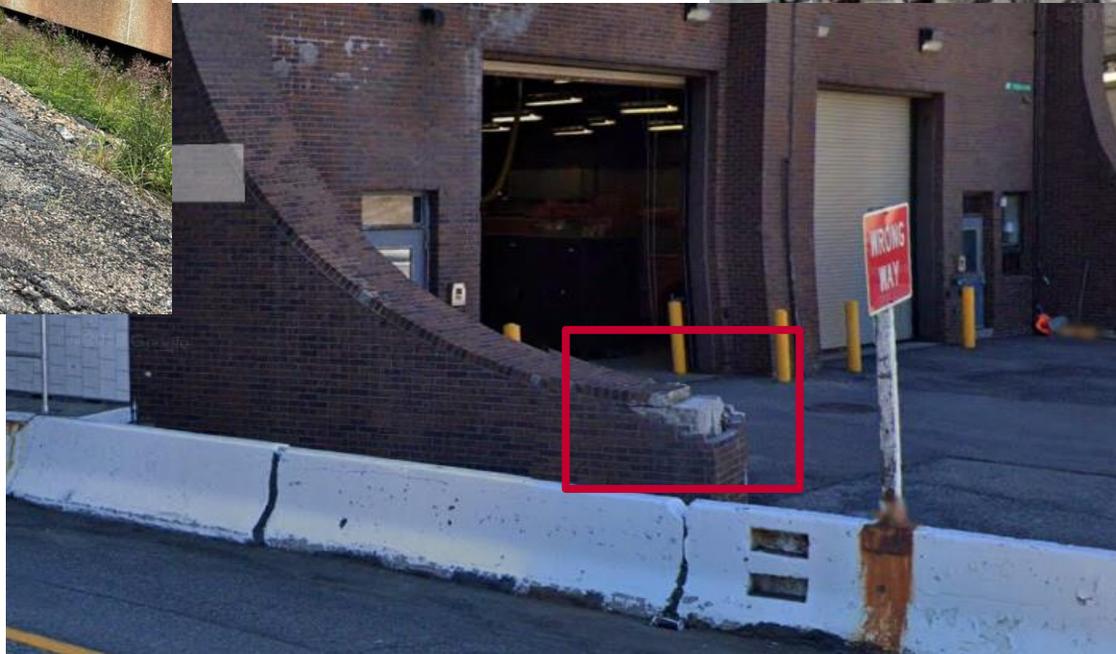
EJMT Service Area Repair

- Scope
 - Tunnel sensor upgrades for safety enhancements to include: LiDAR Over Height Sensor, thermal imaging for overheated engines, and hazardous placard identifier
 - Install new automated portal deicing system
 - Replace fire extinguisher cabinets
 - Service area improvements to repair guardrail, surface drainage, asphalt, pavement markings, tunnel portal brick repair, etc.

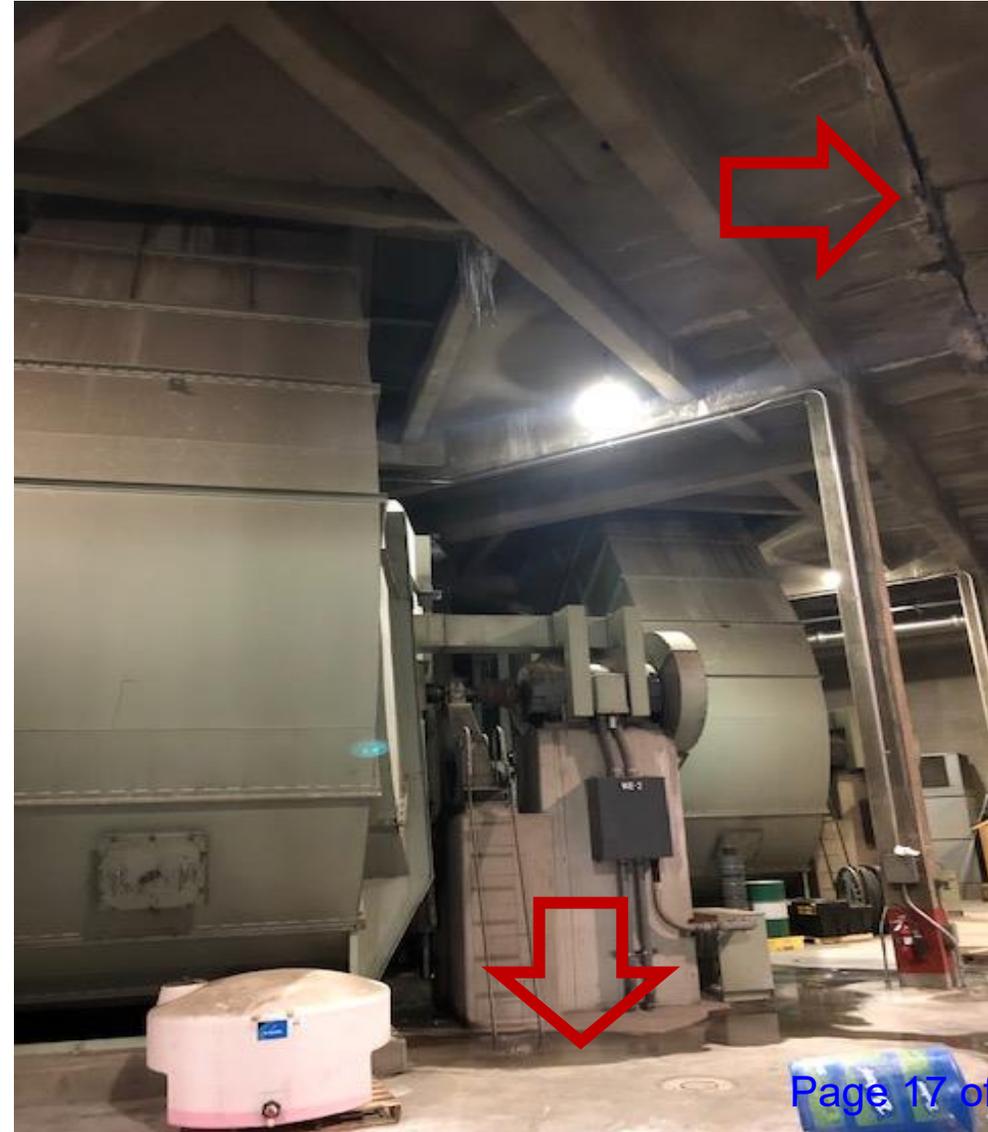




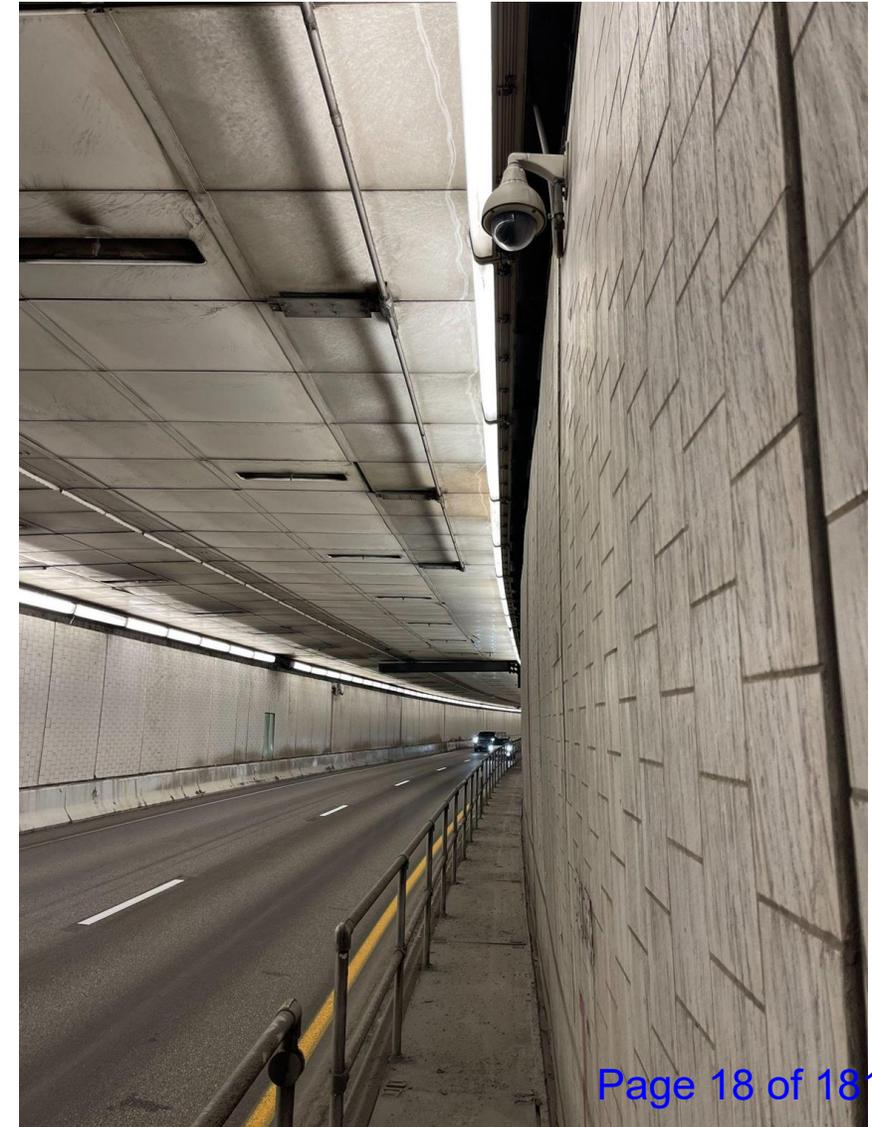
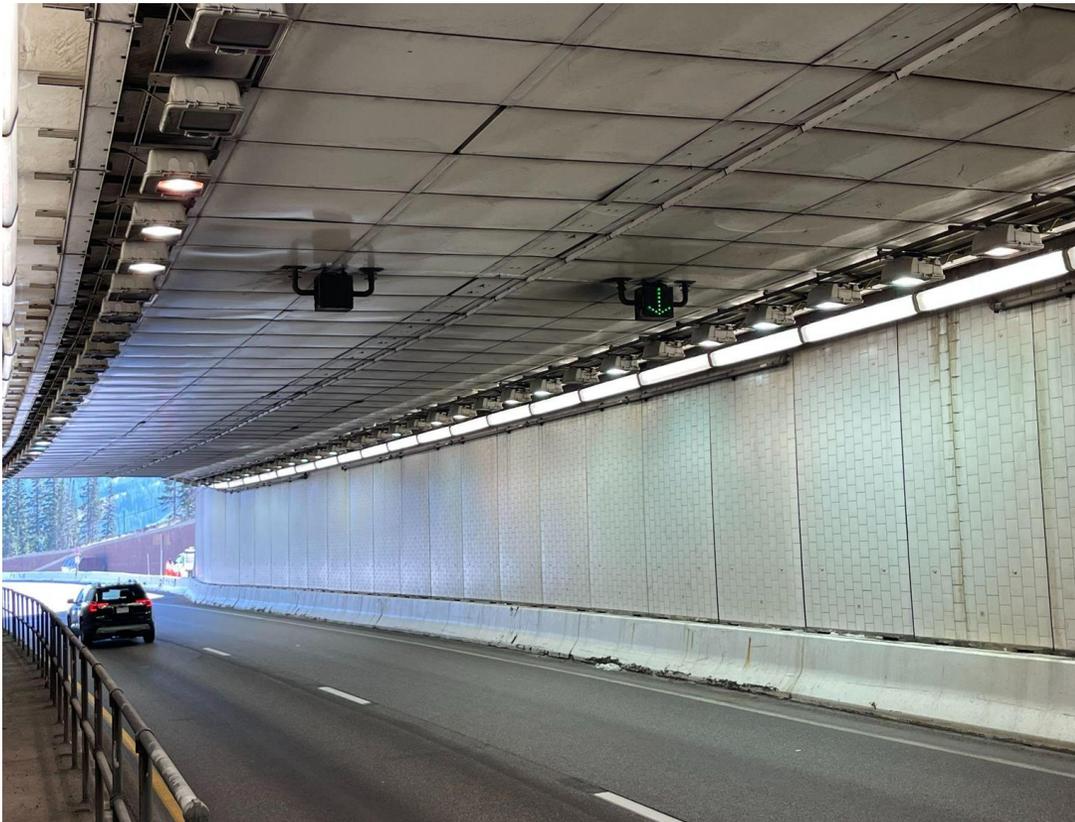
EJMT Service Area Repair



- Scope
 - East and west roof repairs to prevent and mitigate water intrusion
 - Vehicle bay ventilation improvements
 - Elevator replacement/repair



- Scope
 - Variable message signs
 - Camera upgrades
 - Lane usage signals





Planned but Unfunded Project Overview

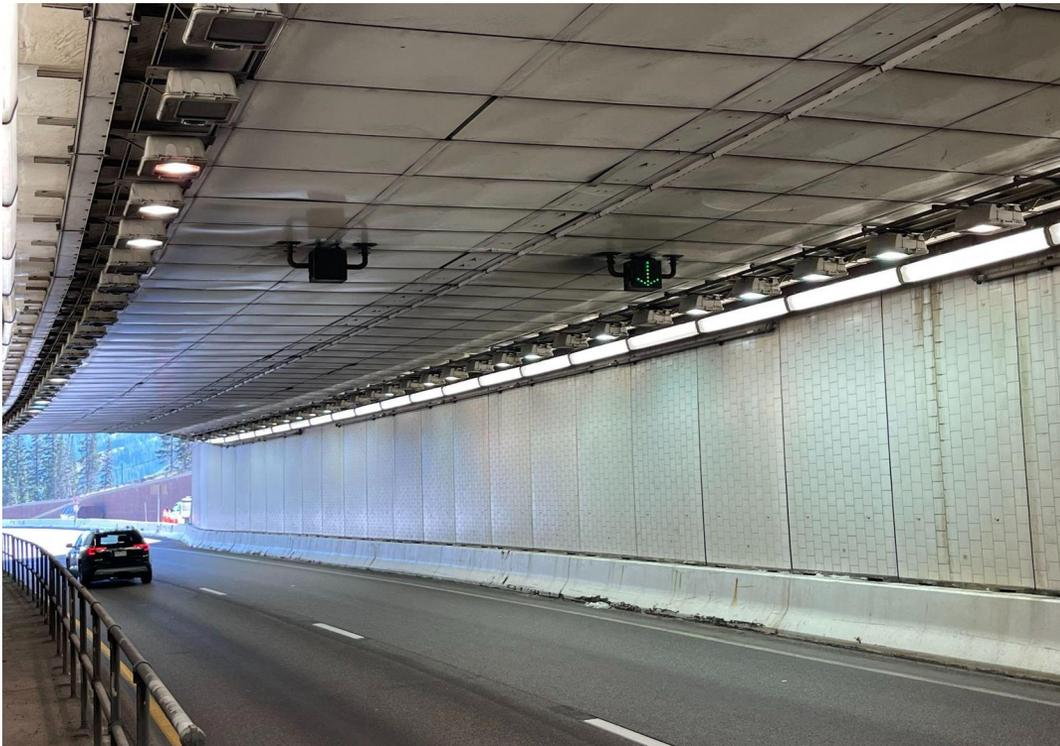
Project Description	Estimated Cost
EJMT Control Room	\$5,000,000
South Tunnel Motor Upgrades	\$25,000,000
LED Lighting Upgrade	\$35,000,000
East Berm Culvert Repair	\$10,000,000
EJMT Wastewater Treatment Plant	\$4,000,000
Public Address System	\$1,000,000
Total	\$80,000,000

Table 2: Planned but Unfunded Project Cost Summary



LED Lighting Upgrade

- Scope
 - Replace entire lighting system with LED
 - Evaluate replacement of transformers, lighting controls, and other components





South Tunnel Motor Upgrade

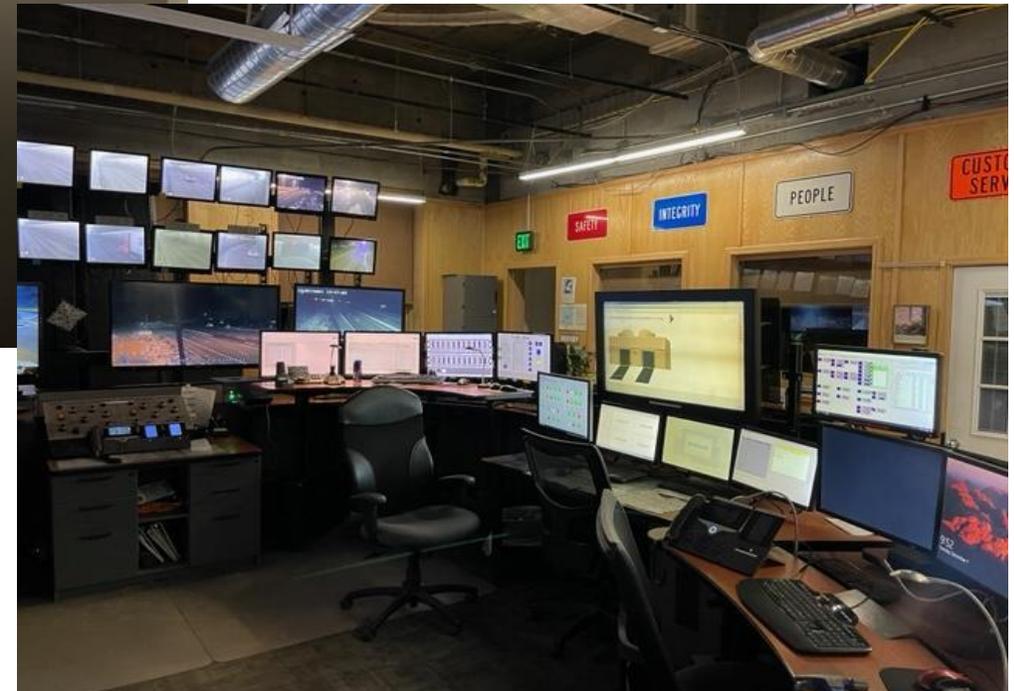
- Scope
 - Upgrade to VFDs (Recommended by Hazmat Study)
 - Convert to direct drive
 - Rewind motors and evaluate the need to change the voltage





Update Control Room

- Scope
 - Reduce “Stations”
 - Modernize SCADA (software)
 - Automate more equipment





East Berm Culvert Repair

- Scope
 - Repair and/or line the culvert that diverts Clear Creek
 - Significantly reduce water infiltration





Wastewater Treatment Plants

- Scope
 - Modernize and evaluate the need for duplicate treatment plants
 - Address issues with leaking lines and capacity



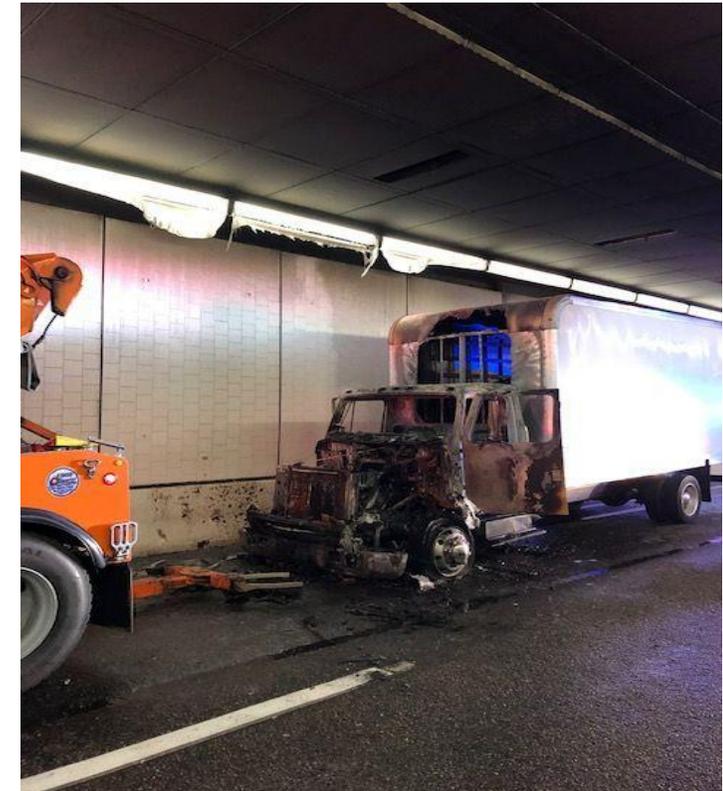
- Scope
 - Add PA system to instruct traveling public of what to do in an emergency
 - Recommended by Hazmat Study





Unplanned and Unfunded Project Overview

- EJMT Foaming System Added to Fixed Fire Suppression
 - Recommended by Hazmat Study
- EJMT Ceiling Fireproofing and Repair
 - Current tiles in north tunnel may be systematically failing
 - Hazmat study recommended fireproof insulation
- Various electrical, mechanical, and plumbing upgrades





Project Timing

	ID	Task Name	2022*				2023				2024				2025				2026				2027							
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
SB21-260	1	Draining, Plumbing, Heat Trace	[Blue bar from Q1 2022 to Q4 2024]																											
	2	Plenum Liner	[Blue bar from Q2 2022 to Q4 2023]																											
	3	Grout Beds	[Blue bar from Q1 2022 to Q4 2022]																											
	4	Service Areas Repairs	[Blue bar from Q2 2022 to Q4 2023]																											
	5	Property Management (Roof Repair)	[Blue bar from Q2 2022 to Q4 2022]																											
	6	Property Management (Elevator Repair)	[Blue bar from Q3 2023 to Q4 2024]																											
	7	ITS Projects	[Blue bar from Q1 2022 to Q4 2023]																											
Planned but Unfunded	8	Control Room	[Blue bar from Q1 2024 to Q4 2025]																											
	9	South Tunnel Motor Upgrades	[Blue bar from Q2 2024 to Q4 2025]																											
	10	LED Lighting Upgrade	[Blue bar from Q1 2024 to Q4 2026]																											
	11	East Berm Culvert Repair	[Blue bar from Q3 2025 to Q4 2026]																											
Unplanned and Unfunded	12	Waste Water Treatment Plant	[Blue bar from Q1 2026 to Q4 2027]																											
	13	Public Address System**	[Blue bar from Q3 2026 to Q4 2027]																											
	14	Foaming System Add**	[Blue bar from Q1 2027 to Q4 2027]																											
	15	Ceiling Fireproofing and Repair**	[Blue bar from Q2 2026 to Q4 2027]																											
	16	Elec., Mech., and Plumbing**	[Blue bar from Q3 2025 to Q4 2026]																											

* Schedule shown by Calendar Year

**Conceptual schedule shown – project schedule will be reevaluated at scoping/preliminary design level

Figure 1: Proposed Project Timeline



BTE Revenue Forecast

BTE Program Revenue Forecast by Fiscal Year (\$ in Millions)

	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32
Base Program Revenues	125.1	125.1	127.1	139.0	140.8	142.6	144.2	145.6	149.0	150.4
SB260 Revenues	20.1	27.5	34.9	43.0	51.2	59.6	68.0	70.5	72.8	75.3
Debt Service	(17.2)	(17.2)	(17.2)	(29.4)	(29.3)	(29.3)	(30.6)	(30.3)	(29.9)	(29.6)
Central 70 Payments	(61.2)	(31.5)	(32.1)	(32.7)	(33.4)	(34.1)	(34.7)	(35.4)	(36.2)	(36.9)
Maintenance and Operations	(2.7)	(2.7)	(2.8)	(2.8)	(2.9)	(2.9)	(3.0)	(3.0)	(3.1)	(3.1)
Total Forecast Project Budget	64.1	101.2	109.9	117.1	126.4	135.9	143.9	147.4	152.6	156.1

Table 3: BTE 10-Year Revenue Forecast



Next Steps

- BTE will continue development of its strategy to utilize the new bridge and tunnel fee revenues to support CDOT with delivery of the 10-year plan
 - Staff recommend that this includes funding for projects to address the outstanding repair and maintenance backlog for EJMT
- Staff will return to the Board with a workshop to provide additional information and a request to authorize the new bridge and tunnel fees
- CDOT will continue to advance the delivery of the EJMT projects funded through SB260



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Department of Transportation

Thank you for your time!
Questions or comments?





MEMORANDUM

TO: TRANSPORTATION COMMISSION
FROM: STEPHEN HARELSON, CHIEF ENGINEER
KEITH STEFANIK, DEPUTY CHIEF ENGINEER
KURT KIONKA, FLOYD HILL PROJECT DIRECTOR
DATE: JANUARY 19, 2022
SUBJECT: I-70 FLOYD HILL TO VETERANS MEMORIAL TUNNELS PROJECT - PROJECT STATUS & SCOPE UPDATE

Purpose

The purpose of this Transportation Commission (TC) memorandum 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 Transportation Commission (TC) is asked to adopt a resolution that supports the staff clarification.

Background

The Project began the preliminary design and National Environmental Policy Act (NEPA) phase in 2017. The project is a Tier II NEPA Project (Environmental Assessment) under the overarching Tier I I-70 Mountain Corridor Record of Decision completed in 2011. The project was developed using a robust Context Sensitive Solutions Process that engaged project stakeholders and the public throughout the design and environmental process. CDOT has completed the preliminary design and the evaluation of alternatives. The Environmental Assessment (EA) was signed in July 2021 and released on August 2, 2021 for a 60-day public review period, with a decision document anticipated in 2022.

In accordance with the CDOT Transparency and Accountability Letter dated March 18, 2021 and subsequent Senate Bill (SB) 21-260, CDOT presented and discussed [information](#) to TC in a Workshop on June 16, 2021 regarding the staff recommendation for to deliver the Project utilizing CM/GC as the main Alternative Delivery Method. On June 17, 2021, TC approved a [resolution](#) approving the staff recommendation. The information presented to TC in the Workshop focused on the eastbound direction of the Project, with brief mentions of the westbound direction of the Project.

Upon adoption of resolution, CDOT advertised a design Request for Proposals (RFP) on October 8, 2021 for the Project and a construction manager RFP on October 1, 2021 for the Project. The scope of work for the RFPs included both the westbound and eastbound directions of the Project. The RFPs included the following text:

“The funding for the full Project has not been fully identified at this time which requires CDOT to take a holistic approach to identify proactive measures to deliver as much of the Project Scope Elements with available funding, while maintaining synchronicity with future funding allotments. To achieve this goal, CDOT has continued to refine the scope and has developed strategies to maximize the available funding as soon as possible. CDOT anticipates the final funding source determinations and the associated Project budget will be finalized by September 1, 2022. CDOT is pursuing full funding for the Project, which could include alternate financing, toll revenues, federal grants, or a combination of all of these. The current identified Project funding sources include but are not limited to: Senate Bill 267, Bridge Enterprise, and High Performance Transportation Enterprise.”

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Discussion

In late 2021, the United States Congress passed and President Biden signed the Bipartisan Infrastructure Deal (Infrastructure Investment and Jobs Act), an investment in the nation's infrastructure and competitiveness. With the Bipartisan Infrastructure Deal, the State of Colorado will have access and opportunities for increased transportation funding to help expediate delivery of the Colorado Department of Transportation (CDOT) 10-yr Plan.

As CDOT staff drafted the RFPs, prior to the signing of the Bipartisan Infrastructure Deal, there were discussions with Executive Management regarding the potential funding opportunities that may exist in the future. It was decided to include the above-mentioned drafting in the RFPs to allow the flexibility of completing the entire Project in lieu of phasing the Project. To increase transparency on Alternative Delivery project, this agenda item is being presented to TC in order to document the discussions regarding the scope of the Floyd Hill Project

Next Steps

Upon adoption of resolution approving the staff recommendation, CDOT will complete the final selections for the Design RFP and the Construction Manager RFP.

Attachments

1. Floyd Hill Project Status & Scope Update Presentation
2. Resolution





Floyd Hill to Veterans Memorial Tunnels Project

Transportation Commission (TC) Project Status & Scope Update

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1. Timeline of Project Updates to TC
2. Floyd Hill Environmental Status
3. Senate Bill 21-260 Alternative Delivery Transparency Commitments
4. Transparency and Accountability Checklist
5. Project Phasing & Delivery Methods
6. Overall Project Status
7. Request for Proposal (RFP) Language
8. Funding Status
9. Open Discussion



Timeline of Project Updates to TC

- ✓ November 18, 2020 HPTE/R1 Funding and general Project Update
- ✓ March 17, 2021 Floyd Hill Project Update (Phasing & Funding)
- ✓ June 16, 2021 Alternative Delivery Method Recommendation
- ✓ November 18, 2021 Chief Engineer Floyd Hill Status Update
- ✓ December 16, 2021 Chief Engineer Floyd Hill Project Update
- January 19, 2022 Project Status and Funding Update



- Environmental Assessment (EA) Information
 - Two Alternatives were evaluated
 - Canyon Viaduct Alternative (*Preferred Alternative*)
 - Tunnel Alternative
 - EA Signed in July of 2021
 - EA Public Comment Period ended October 2021
 - Decision Document - Finding of No Significant Impact (FONSI) anticipated in 2022



Senate Bill 21-260 Alternative Delivery Commitments

- SB 21-260 increases requirements on Transparency & Accountability
- Main commitments from CDOT's Transparency and Accountability Letter dated March 18, 2021 were incorporated
- Floyd Hill Project Team is dedicated to fulfilling the Transparency & Accountability commitments

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REREVISED
*This Version Includes All Amendments
Adopted in the Second House*
SENATE BILL 21-260

LLS NO. 21-0263.01 Jason Gelender x4330

SENATE CONCURRENCE

Fenberg and Winter, Priola, Brid Lee, Moreno, Pettersen, Story

HOUSE
Garnett and Gray, Amabile, Ba Cutter, Duran, Esgar, Exum, Froelich Kennedy, Kipp, Lomtime, McCluskey Ortiz, Sullivan, Titone, Valdez A., V

Senate Committees
Finance
Appropriations

101 **CONCERNING THE SUSTAINABILITY OF**
102 **IN COLORADO,**
103 **NEW SOURCES OF**
104 **ENTERPRISES TO**
105 **TRANSPORTATION**
106 **MODERNIZED IN**
107 **WIDESPREAD AND**
108 **MITIGATE ENVIRONMENTAL**
109 **TRANSPORTATION**
110 **REGIONAL TRANSPORTATION**
111 **APPROPRIATIONS**

1 THE AIR QUALITY CONTROL COMMISSION THAT WILL SUPPORT THE
2 ENTERPRISE'S BUSINESS SERVICES, INCLUDING REMEDIATION SERVICES, IN
3 A MANNER THAT MAINTAINS COMPLIANCE WITH THE FEDERAL AND STATE
4 STATUTES, RULES, AND REGULATIONS GOVERNING AIR QUALITY. THE
5 DIVISION SHALL COLLABORATE WITH THE COLORADO ENERGY OFFICE AND
6 THE DEPARTMENT OF TRANSPORTATION WHEN DEVELOPING THE RULES.

7 (10) (a) TO ENSURE TRANSPARENCY AND ACCOUNTABILITY, THE
8 ENTERPRISE SHALL:

9 (I) NO LATER THAN JUNE 1, 2022, PUBLISH AND POST ON ITS
10 WEBSITE A TEN-YEAR PLAN THAT DETAILS HOW THE ENTERPRISE WILL
11 EXECUTE ITS BUSINESS PURPOSE DURING STATE FISCAL YEARS 2022-23
12 THROUGH 2031-32 AND ESTIMATES THE AMOUNT OF FUNDING NEEDED TO
13 IMPLEMENT THE PLAN. NO LATER THAN JANUARY 1, 2032, THE ENTERPRISE
14 SHALL PUBLISH AND POST ON ITS WEBSITE A NEW TEN-YEAR PLAN FOR
15 STATE FISCAL YEARS 2032-33 THROUGH 2041-42.

16 (II) CREATE, MAINTAIN, AND REGULARLY UPDATE ON ITS WEBSITE
17 A PUBLIC ACCOUNTABILITY DASHBOARD THAT PROVIDES, AT A MINIMUM,
18 ACCESSIBLE AND TRANSPARENT SUMMARY INFORMATION REGARDING THE
19 IMPLEMENTATION OF ITS TEN-YEAR PLAN, THE FUNDING STATUS AND
20 PROGRESS TOWARD COMPLETION OF EACH PROJECT THAT IT WHOLLY OR
21 PARTLY FUNDS, AND ITS PER PROJECT AND TOTAL FUNDING AND
22 EXPENDITURES;

23 (III) ENGAGE REGULARLY REGARDING ITS PROJECTS AND
24 ACTIVITIES WITH THE PUBLIC, SPECIFICALLY REACHING OUT TO AND
25 SEEKING INPUT FROM COMMUNITIES, INCLUDING BUT NOT LIMITED TO
26 DISPROPORTIONATELY IMPACTED COMMUNITIES, AND INTEREST GROUPS
27 THAT ARE LIKELY TO BE INTERESTED IN THE PROJECTS AND ACTIVITIES;

-39- 260

Shading denotes HOUSE or SENATE
Capital letters or bold & italic
Dashes through text



Transparency and Accountability Checklist

No.	Accountability and Transparency Item	Status
1	Hold public meetings with the construction industry and the general public to discuss the justification for selecting the alternative delivery method.	Completed
2	Obtain approval for the use of the selected alternative delivery method from the Transportation Commission	Completed
3	Publish the justification for selecting the alternative delivery on the CDOT website	Completed
4	During the procurement process, include the justification for selecting the alternative delivery method in any Request for Qualifications and in the Request for Proposals	Completed
5	CDOT shall not exclude a participating entity from a short list, prepared and announced by CDOT of responding participating entities that have been determined to be most qualified to receive a Request for Proposals for an alternative delivery contract for a public project based solely on the participating entity's lack of experience in delivering a project in the State of Colorado by the alternative delivery method used for the public project	Completed
6	Following the award of the alternative delivery contract to a participating entity, if CDOT awards a contract, CDOT shall publish on the CDOT website the evaluation scores for each step of the solicitation phase for all solicitations received and evaluated	Future
7	From the time the alternative delivery contract is executed until CDOT's final acceptance of the completed public project, provide, maintain, and update on CDOT's website a transparency platform such as a dashboard that indicates the ongoing status of the public project	Future



Project Phasing & Delivery Methods

- Early Projects = Design Bid Build
 1. Wildlife Crossing - Empire
 2. Wildlife Crossing - Genesee
 3. Floyd Hill Roundabouts & Micro-transit Infrastructure

- Floyd Hill Project = CM/GC
 - Westbound I-70 Improvements
 - Eastbound I-70 Improvements





- Early Projects Status
 - Design underway
 - Construction expected to begin in 2022
- Floyd Hill Project Status
 - Preliminary design complete (20% Level)
 - Transparency steps completed
 - CM/GC approved as the Delivery Method
 - Construction Manager RFP Shortlisted
 - Design RFP Shortlisted
 - Final Selection to be determined by end of January
 - Funding Plan being analyzed (Following slides)

Resolution #TC2021-06-09

Selection of Construction Manager/General Contractor (“CM/GC”) as the main Alternative Delivery Method for the I-70 Floyd Hill to Veterans Memorial Tunnels Project (“project”).

Approved by the Transportation Commission on June 17, 2021.

WHEREAS, CDOT staff began the preliminary design and National Environmental Policy Act (NEPA) phase in 2017. The project is a Tier II NEPA Project (Environmental Assessment) under the overarching Tier I I-70 Mountain Corridor Record of Decision completed in 2011; and

WHEREAS, the project was developed using a robust Context Sensitive Solutions Process that engaged project stakeholders and the public throughout the design and environmental process. CDOT has completed the preliminary design, the evaluation of alternatives, and is preparing for the release of the Environmental Assessment, in summer 2021; and

WHEREAS, in accordance with a letter signed by the CDOT Executive Director and the CDOT Chief Engineer, dated March 18, 2021, CDOT has completed the initial transparency and accountability steps outlined in this letter; and

WHEREAS, CDOT held a public meeting with the construction industry and general public to discuss the justification for selecting CM/GC as the main recommended Alternative Delivery Method for the project; and

WHEREAS, CDOT is committed to completing the remaining transparency and accountability steps as outlined in the March 18, 2021 above-mentioned letter; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the staff recommendation to utilize the Construction Manager/General Contractor as the main Alternative Delivery Method for the I-70 Floyd Hill to Veterans Memorial Tunnels Project.

Herman F. Stockinger

Herman Stockinger, Secretary
Transportation Commission of Colorado

6/17/2021

Date



The funding for the full Project has not been fully identified at this time which requires CDOT to take a holistic approach to identify proactive measures to deliver as much of the Project Scope Elements with available funding, while maintaining synchronicity with future funding allotments. To achieve this goal, CDOT has continued to refine the scope and has developed strategies to maximize the available funding as soon as possible.

CDOT anticipates the final funding source determinations and the associated Project budget will be finalized by September 1, 2022.

CDOT is pursuing full funding for the Project, which could include alternate financing, toll revenues, federal grants, or a combination of all of these. The current identified Project funding sources include but are not limited to: Senate Bill 267, Bridge Enterprise, and High Performance Transportation Enterprise.

The High Performance Transportation Enterprise, an independent business enterprise within CDOT charged with pursuing innovative financing alternatives to deliver important surface transportation infrastructure projects in the state, is currently conducting a funding gap study to determine if alternative or creative funding or financing options, including tolling options, could be leveraged to supplement the CDOT sources.



CDOT anticipates the final funding source determinations and the associated Project budget will be finalized by September 1, 2022.

CDOT is pursuing full funding for the Project, which could include alternate financing, toll revenues, federal grants, or a combination of all of these. The current identified Project funding sources include but are not limited to: Senate Bill 267, Bridge Enterprise, and High Performance Transportation Enterprise.



H. Adjacent Project Coordination and Communication

During the preconstruction phase, the CM shall consider adjacent projects when analyzing construction phasing and construction traffic control. Known projects within or adjacent to the described project limits are listed below. If other adjacent projects are identified, the CM must also closely coordinate with those projects.

- CR 314 Reconstruction Project located on CR 314 from the Veterans Memorial Tunnels to the east to the East Idaho Springs Exit 241. This project is scheduled summer 2021 through fall 2022.
- I-70 Resurfacing Project from MP 246.5 to MP 252.2 in the summer of 2022.
- Genesee Wildlife Crossing – Construct a wildlife underpass crossing near MM 254.5 to reduce animal vehicle collisions, improve wildlife connectivity and improve safety. Construction plans for this project will be advertised via Design Bid Build, with construction anticipated in 2022.
- Empire Wildlife Crossing – Construct a wildlife overpass crossing on US 40 near I-70 MM 232 Exit Ramps to US 40 to reduce animal vehicle collisions, improve wildlife connectivity and improve safety. Construction plans for this project will be advertised via Design Bid Build, with construction anticipated in 2022.
- Roundabouts and micro-transit infrastructure improvements - Construct two new intersection roundabouts to improve community access and operations at the top of Floyd Hill. Transit improvements will include upgrades to park and ride locations providing the infrastructure required to implement transit throughout the Floyd Hill Project and I-70 Mountain Corridor. It is intended to include a micro-transit plaza and parking area at the CR 65 and US 40 intersection. Construction plans for this project will be advertised via Design Bid Build, with construction anticipated in 2022.

1.4. PROJECT FUNDING

The funding for the full Project has not been fully identified at this time which requires CDOT to take a holistic approach to identify proactive measures to deliver as much of the Project Scope Elements with available funding, while maintaining synchronicity with future funding allotments. To achieve this goal, CDOT has continued to refine the scope and has developed strategies to maximize the available funding as soon as possible.

CDOT anticipates the final funding source determinations and the associated Project budget will be finalized by September 1, 2022.

CDOT is pursuing full funding for the Project, which could include alternate financing, toll revenues, federal grants, or a combination of all of these. The current identified Project funding sources include but are not limited to: Senate Bill 267, Bridge Enterprise, and High Performance Transportation Enterprise.

The High Performance Transportation Enterprise, an independent business enterprise within CDOT charged with pursuing innovative financing alternatives to deliver important surface transportation infrastructure projects in the state, is currently conducting a funding gap study to determine if alternative or creative funding or financing options, including tolling options, could be leveraged to supplement the CDOT sources.



Funding Source	Amount
Senate Bill (SB) 267 - Year 3	\$135.0
Statewide Bridge and Tunnel Enterprise (BTE)	\$260.0
High Performance Transportation Enterprise (HPTE)	\$65.0
Total Funding	\$460.0

** HPTE funding source based on assumed toll backed funding*

Current Funding Gap = \$240m

Project Cost Elements	Early Projects	Floyd Hill	Total Project
Preconstruction Costs	\$5.0	\$39.0	\$44.0
Construction Management Costs	\$2.5	\$34.0	\$36.5
CDOT Indirect Costs	\$2.5	\$71.0	\$73.5
Construction Costs	\$21.0	\$525.0	\$546.0
Total	\$31.0	\$669.0	\$700.0

** Estimated project costs in accordance with Environmental Assessment (EA) cost estimates*





COLORADO

Department of Transportation

Division of Transportation Development
2829 W. Howard Place
Denver, CO 80204-2305

DATE: January 19, 2022
TO: Transportation Commission
FROM: Rebecca White, Director, Division of Transportation Development (DTD)
Marissa Gaughan, Manager, Multimodal Planning Branch, DTD
Amber Blake, Director, Division of Transit and Rail
SUBJECT: 10-Year Plan Update

Purpose

The purpose of this memo is to provide the Transportation Commission 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.

Background

The 10-Year Plan is being updated to reflect state SB260 and federal infrastructure bill revenues, along with the recently adopted GHG pollution reduction planning rules, and the progress thus far in delivering the original first four years of the 10-Year Plan.

Details

CDOT has made considerable progress in delivering the first four years of the 10-Year Plan while being able to closely adhere to the original regional equity targets set at the beginning of the planning process. Additionally, the Department is also on track to meet the rural paving and asset management goals for the first four years of the 10-Year Plan. As we work to update the plan for the reasons noted above, staff is considering the following issues:

Transit Allocation and Equity Target Recommendations

Because of the integration of transit and multimodal options into many larger 10-Year Plan projects and the new GHG reduction requirements, staff no longer views the 10% transit allocation set-aside as necessary. This recommendation allows for a more 'whole system' approach and will give CDOT and our planning partners more flexibility and adaptability when achieving our GHG reduction goals moving forward. Staff is also recommending to use the same equity targets for both highway and transit going forward. As we plan multimodal projects that include elements of highway, transit and bike/ped improvements all woven together, it does not make sense to use different equity targets.

Rural Paving and Asset Management

Staff recommends maintaining the 25% for rural pavement threshold with the inclusion of rural interstate pavement to count as a part of the rural pavement requirement.

FY 23-26 Financial Considerations

The funding certainty provided by SB260 combined with the Infrastructure Investment and Jobs Act (IIJA) adds additional complexity because each of the different funding types has its own requirements and restrictions. Those state and federal funding types include:

State funding:

- SB 267 Certifications of Participation: Requirement to spend dollars within 3 years
- SB 260 Bridge and Tunnel Enterprise (BTE): Poor-rated bridges and tunnels
- Nonattainment Area Air Pollution Mitigation Enterprise: Projects that benefit air quality in nonattainment areas
- SB260 Multimodal Transportation and Mitigation Options Fund (MMOF): 15% state funding; for multimodal projects
- SB260 Highway User Tax Funds (HUTF): Flexible revenue from the HUTF, but includes some competing demands, such as debt service from SB267

Eligible portions of the federal infrastructure bill:

- Additional flexible funding and specific funding for bridge and risk/resiliency
- Significant funding towards grant programs

Additionally, staff is determining how to best leverage the BTE and High Performance Tolling Enterprise (HPTE) funding opportunities.

Next Steps:

At a future meeting, staff will further explain how the Department can align each of the aforementioned funding sources and requirements with projects within the plan. The future discussion will consider the 10-Year Plan time periods and project readiness.

Attachments

10-Year Plan Update Presentation



COLORADO

Department of Transportation

10 Year Plan Update

Colorado Transportation Commission
January 2022

Page 46 of 181



Building the Updated 10-Year Plan: A Refresher

Why are we updating the 10-Year Plan?

- New revenue: In October 2021, staff gave a presentation about the revenue outlook and update approach for the 10-Year Plan. This included a look at the new funding provided by SB 260 along with expected dollars from the federal infrastructure bill.
- Greenhouse Gas Rulemaking: In December 2021, the Transportation Commission adopted the new GHG Pollution Reduction Planning Rule. The 10-Year Plan must comply with the new standard for reduced greenhouse gas emissions.
- Progress delivering the first four years of the 10-Year Plan: Looking across the entire time period of the current plan, we are transitioning from completing the last year of the original 4-year list to determining the next set of projects and adding additional years to the plan.



Updated TC Guiding Principles

 Safety	 Mobility	Economic Vitality 	Asset Management 	 Strategic Nature	Regional Priority
Potential Criteria	Potential Criteria	Potential Criteria	Potential Criteria	Potential Criteria	Potential Criteria
<p>Extent to which project addresses safety deficiencies at locations with known safety issues (as indicated by Level of Safety Service (LOSS) 3 or 4), or other known or projected safety issues</p>	<p>Extent to which a project addresses a mobility need and reduces greenhouse gas emissions, including congestion reduction, improved reliability, new or improved connections, eliminations of “gaps” or continuity issues, new or improved multimodal facilities, improves efficiency through technology or improved access to multimodal facilities.</p>	<p>Extent to which a project supports the economic vitality of the state or region and ensures disproportionately impacted communities realize the economic benefits of a project, such as supporting business, freight, agricultural or energy needs, or providing or improving access to recreation, tourism, job, military, healthcare or other significant activity centers.</p>	<p>Extent to which project addresses asset life, including improving Low Drivability Life pavement or poor rated structures</p>	<p>Strategic nature of project, regional or statewide significance, leverages innovative financing and partnerships, and balances short term needs vs. long term trends.</p>	<p>Priority within the Region, based on planning partner input including priorities expressed in Regional Transportation Plans</p>
TC Guiding Principle	TC Guiding Principle	TC Guiding Principle	TC Guiding Principle	TC Guiding Principle	TC Guiding Principle
<p>Safety</p>	<p>Mobility</p> <p>Programs and projects leveraging new technology development</p> <p>Integrated System Impacts and Benefits</p> <p>Reduction of Greenhouse Gas Emissions</p>	<p>Economic Impacts</p> <p>Statewide Equity</p> <p>Social Equity</p>	<p>Asset Management / Preservation Benefits</p> <p>Impact of Asset Management decision on asset life and function</p>	<p>Financial Leverage, Financial innovation, and Partnerships</p> <p>Short term projects vs. Accommodating Long-Term Projects trends</p> <p>How does the system look in 30 years and how does this project fit in?</p>	<p>Is the project consistent with the 2045 Statewide and Regional Plans and the projects identified as part of that collaborative process?</p> <p>Regional flexibility / Collaborative agreement on smaller scale projects included in the 10-year Plan</p>



Where We Sit Now - Highway

Equity Summary to Date (Thru Year 3b)			
Region	Total Allocation	Equity to Date	Equity Target
1	\$701,790,764	34.07%	34.23%
2	\$388,743,520	18.87%	18.97%
3	\$312,779,808	15.18%	15.07%
4	\$493,442,825	23.95%	23.87%
5	\$163,124,100	7.92%	7.86%
Total	\$2,052,252,117	100.00%	100.00%

- Due to funding from **SB 1, SB 267, SB 260** and stimulus dollars the Commission has advanced 85% of the projects from the original four year priority list.
- This table shows the allocations to date for highway projects and where we are in terms of equity compared to the highway equity targets.
- Highway equity targets were set using the RPP midpoint formula.



Where We Sit Now - Transit

Equity Summary to Date (Thru Year 3)			
Region	Total Allocation	Equity to Date	Equity Target
1	\$70,750,000	44.76%	44.33%
2	\$24,655,000	15.60%	17.04%
3	\$23,683,455	14.98%	12.84%
4	\$31,552,504	19.96%	21.20%
5	\$7,440,000	4.71%	4.59%
Total	\$158,080,959	100%	100%

- This table depicts the same information as the last slide, but for transit projects.
- Transit equity targets were set using the MMOF formula.



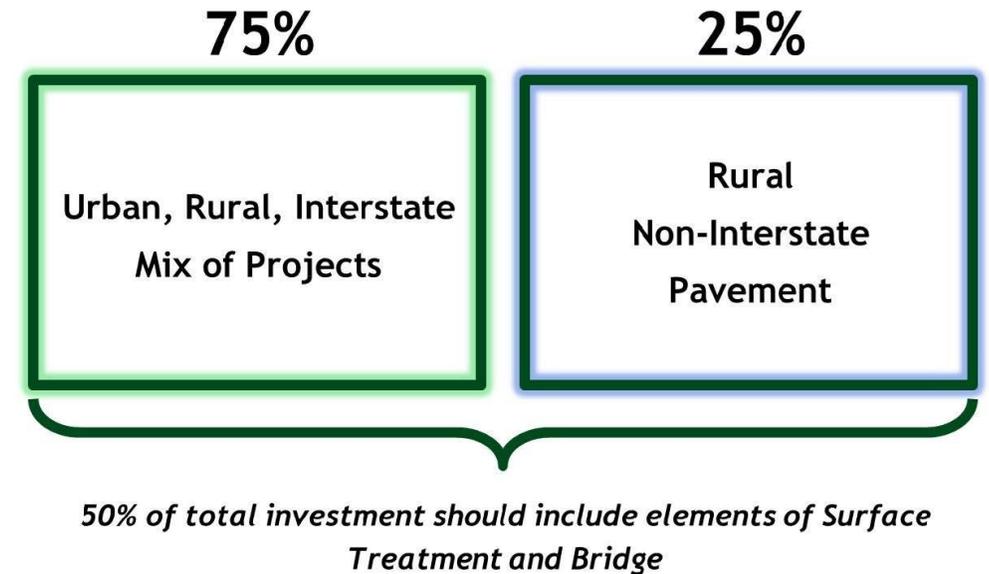
In Summary

- *\$2.2 Billion has been allocated to date for projects in Years 1-3.*
- *With \$380M in remaining commitments, we are about 85% finished with funding the original 4-year priority list. We've also been able to advance critical projects from the out years of the plan to align with new revenue that's become available (federal stimulus, etc.).*
- *We have also been able to get some projects ready from the outyears of the plan so that we're prepared to move quickly once our next four year list is established.*



Where We Sit Now - Rural Paving & Asset Management

- We are on track to meet the Rural Paving and Asset Management goals in delivering the first four years of the 10-year plan.
- 33 Rural Paving projects have been advanced for funding to date, with 14 now complete or under construction.
- Fixing our Assets - Some notable areas of progress include critical repairs to EJMT, addressings poor interstate pavement along I-76, and improving safety and road conditions along CO 13 by adding shoulders, drainage and wildlife underpass.





Future Highway / Transit / Rural Paving & Asset Management Recommendations





Future Highway / Transit Recommendations - Transit Allocation Target

Original 4-Year List:

- The original 4-yr list included a 10% allocation for transit.

Recommendation for future years (FY23+):

- After we fund Year 4 projects, CDOT staff recommends not having a set percentage allocation for transit.
 - Advantages to this approach: This will allow us to more fully integrate transit into 10-Year Plan projects, and ensure we are thinking about the whole system as one.
 - Disadvantages to this approach: Opens up the potential for less than 10% to transit. However, given the new GHG requirements, we expect the total investment to transit to be larger than the current 10% allocation to transit. Not restricting ourselves to 10% gives us more flexibility and adaptability when it comes to meeting our GHG goals and planning for multimodal projects.



Future Highway / Transit Recommendations - Transit Equity Targets

Original 4-Year List:

- Highway and transit allocations tracked using different equity targets.

Recommendation for future years (FY23+):

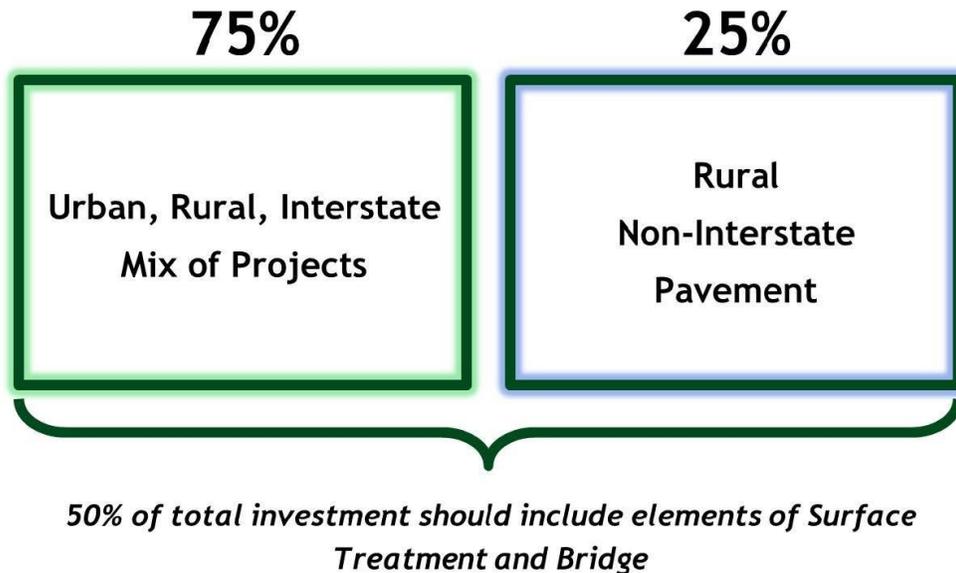
- After we fund Year 4 projects, CDOT staff recommends we use the same equity targets for both highway and transit and utilize the overall “split the baby” RPP midpoint formula for both.
 - Advantages to this approach: This makes it much easier to track, report and be transparent about delivering the 10-Year Plan, especially if there is no longer a straight, cleancut percentage divide between highway and transit projects. As we plan multimodal projects that include elements of highway, transit and bike/ped improvements all woven together, it does not make sense to use different equity targets.
 - Disadvantages to this approach: Does not allow for transit to be taken off the top and tracked separately using more nuanced targets.



Future Rural Paving & Asset Management Recommendations

Original 4-Year List:

Used formula as shown below.



Recommendation for future years (FY23+):
Maintain original strategy, except allow for rural interstate pavement to count as part of the 25% for rural pavement.

Advantages to this approach:

- Continues our fix it first approach to maintaining/improving our system.
- Colorado is 47th in the nation in terms of rural interstate pavement condition. Making this change could help further direct funding to this critical need.



10-Year Plan Fiscal Constraint





Fiscal Constraint Overview

There are four components to consider for the 10-Year Plan update:

1. Fully delivering on the original 4-yr priority list (FY 19-22)
1. Building the next 4-yr priority list (FY 23-26)
1. Resetting current out years of the plan (FY 27-30)
1. Adding additional years to include a full ten years (FY 31-32)



1. Fully delivering on the original 4-yr priority list (FY 19-22)

Region	FY22 Total	FY 22 Proposed Transit \$
1	\$133,380,508*	\$37,170,000
2	\$74,101,909	\$11,300,000
3	\$54,910,261	\$3,500,000
4	\$88,956,774	\$3,325,000
5	\$28,650,548	\$0
Totals	\$380,000,000	TBD

- Remaining projects on the 4 yr list total **\$380M** (including transit).
- This amount includes \$170M for I-270. However, fully allocating this amount now would both impact equity and far exceed the project’s need in FY22.
- Thus, the numbers in this table reflect the same total \$380M investment redistributed to reach equity in every region across the 4-yr timeframe.
- This redistribution provides regions with additional funding to support pre-construction for the next set of projects.
- As the 4th issuance of COPs is expected to result in ~\$630M (including interest), the remaining balance (~\$250M) will be rolled into delivering the next four years of the plan.
- Final project decisions (in particular for transit) are subject to change as we continue the planning process.



2. Building the next 4-yr priority list (FY 23-26)

- In keeping with past practice, staff proposes that we work to achieve equity over the four year period (allowing regions to receive more/less funding in certain years depending on project readiness, etc.)

3. Resetting current out years of the plan (FY 27-30)

4. Adding additional years to include a full ten years (FY 31-32)



Next Step: Funding Analysis

- The funding certainty provided by SB260 and the IIJA also comes with additional complexity as we look at a list of varied funding sources; each with its own requirements and restrictions:
 - State Funding:
 - SB 267 COPs: Requirement to spend dollars within 3 years
 - SB260 Bridge and Toll Enterprise: Poor-rated bridges and tunnels
 - Nonattainment Enterprise: Projects that benefit air quality in the nonattainment areas
 - SB260 MMOF: 15% state funding; for multimodal projects
 - SB260 HUTF: Flexible revenue from the HUTF, but includes some competing demands, such as debt service from SB267
 - Eligible portions of the federal infrastructure bill:
 - Additional flexible funding and specific funding for bridges and risk/resiliency
 - Significant funding towards grant programs
- Additionally, we need to determine how we can best leverage the BTE and HPTE; including the financing options provided by these sources



Next Step: Funding Analysis

Future briefings will explain how we can align each of these funding sources and requirements with projects within the plan; considering the time periods we've established and project readiness within these time periods.

The ultimate goal is to maximize every opportunity to deliver the 10 year plan.

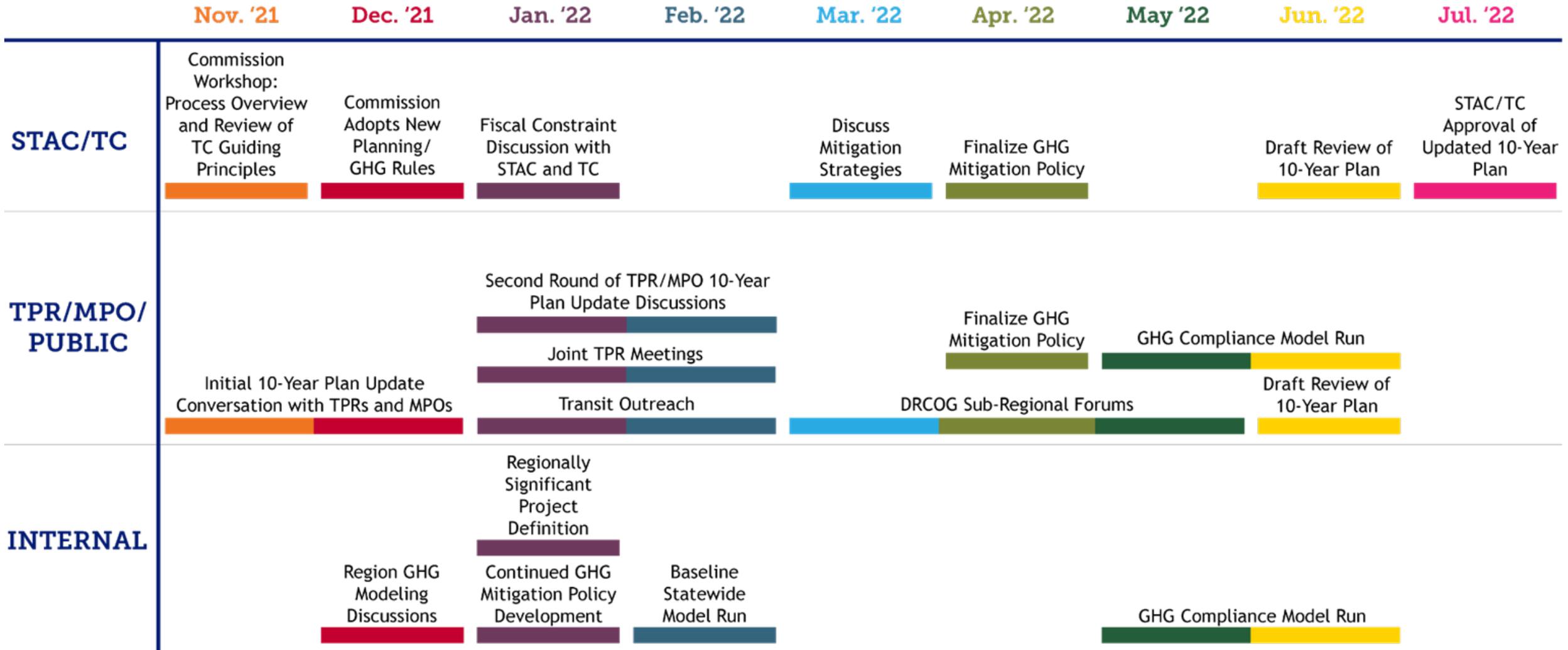


Updated Schedule and Next Steps





10-Year Plan Update Timeline





10-Year Plan Modeling

- Per the requirements of the GHG Rule, the updated plan will need to be modeled for compliance with the GHG reduction levels.
- Staff is currently updating the travel model to better evaluate the existing plan.
 - In discussion with all regions to ensure accuracy.
- The team also is continuing to work with the MPOs via separate working groups on modeling and mitigation.
- A team also is working on modifying the definition of regionally significant projects and will be presenting options to planning stakeholders for their input.



Next Steps

- Funding Analysis
- Determine next set of priorities for new 4-year list (FY 23-26)
- Re-establish out year projects (FY 27-32)
- Ensure 10-Year Plan complies with the new GHG requirements
- Continue working with MPOs/TPRs on all of the above



MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: REBECCA WHITE, DIRECTOR, DIVISION OF TRANSPORTATION DEVELOPMENT
AMBER BLAKE, DIRECTOR, DIVISION OF TRANSIT AND RAIL
MICHAEL SNOW, TRANSPORTATION PLANNING SPECIALIST

DATE: JANUARY 19, 2022

SUBJECT: MULTIMODAL TRANSPORTATION & MITIGATION OPTIONS FUND, DISTRIBUTION & MATCH FORMULAS

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 follows 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, TRAC and MMOF Advisory Committee and adopt by resolution an updated distribution formula for Local MMOF funding.

Background

With the passage of Senate Bill 2021-260, the MMOF program saw programmatic changes to expand its overall purpose and provide long-term funding to the program. The Bill made MMOF funds eligible for projects that mitigate transportation-related emissions of greenhouse gases (GHG), and added a specific program goal to provide accessible, alternative modes of transportation for Colorado's Disproportionately Impacted (DI) Communities. Funding allocated to the program in the Bill is estimated at \$448 million over the next ten years and includes both state revenues and federal stimulus revenues.

All funds appropriated to the MMOF program are split, with 85% of funds being distributed to the TPRs for local project selections, and 15% remaining with CDOT for TC selection of state multimodal projects. Of the funding appropriated in SB260, a total local MMOF amount of \$212,365,020 is currently available for TC allocation to TPRs for local project selection. This includes the local MMOF portion of both the federal stimulus funding transferred to MMOF in July 2021 according to Colorado Revised Statutes 24-75-219(7)(a)(II) and the state surplus revenues to be transferred to MMOF in June 2022 according to Colorado Revised Statutes 24-75-219(7)(f)(I).

The existing formula for distribution of local MMOF funds was adopted by the TC in 2019 to distribute the program's one-time Senate Bill 2018-001 funding and is based on 10 criteria derived from 2016 data, including American Community Survey (ACS) 5-year estimates, CDOT's 2016 bicycle and pedestrian crash data and the 2016 National Transit Database (NTD). Several of those criteria that were available at the time either cannot be reliably replicated with more recent year's data or they have been found to be inaccurately summarized for use in this formula.

Considering these data issues and the programmatic changes enacted in SB260, the STAC and CDOT staff recommended in September 2021 to consider modifications to the local MMOF funding distribution formula adopted in 2019 to align it more closely with the expanded goals defined in the program, and to update the formula with more recent and readily available data.

The MMOF Advisory Committee that developed the current formula in 2019, and which includes members of the STAC, the Transit & Rail Advisory Committee (TRAC) and advocates of transit, rail, bicycle, pedestrian, and aging populations convened in October 2021 to revisit the formula. The Committee developed a new recommended formula for the TC to consider, as presented in **Attachment A**. Both the STAC and TRAC reviewed the Committee's formula in November and



concurrent with its recommendations. The TRAC, however, urged the TC to revisit the formula prior to distributing subsequent years' funding to consider updated year's data, such as Census 2020 or updated National Transit Database data.

Recommendations

At the December 2021 TC meeting, the Commission took action on the MMOF match reduction formula granting reduced or eliminated match funding requirements to local government sponsors of local MMOF projects.

This month, staff recommends the TC adopt the updated formula for distribution of local MMOF funds by resolution on January 20, 2022. This is the final decision item required for MMOF by the TC at this time. Following its review of the formula recommended by the MMOF Advisory Committee at today's workshop, the TC may choose to consider adoption of the formula as presented or make modifications to that formula, if desired. Staff also recommends the new formula be applied only to the current local MMOF funding as outlined in this memo and in staff's presentation, to allow a reexamination of the formula with updated annual data prior to subsequent allocations.

Next Steps

The TC's recommendations resulting from today's discussion will be presented for final TC adoption on January 20, 2022. CDOT staff will provide final TPR allocations and updated match and program guidance to MPOs/TPRs following adoption, which will enable those organizations to initiate project selection processes.





Multimodal Transportation & Mitigation Options Fund (MMOF) Advisory Committee Distribution Formula Recommendations October 2021

The MMOF Advisory Committee met on October 5 and again on October 13, 2021, to discuss and formulate recommendations for Transportation Commission (TC) adoption of changes to the Local MMOF Distribution Formula. A summary of the committee's recommendations follows.

MMOF Advisory Committee Members:

Jill Locantore - Executive Director, Denver Streets Partnership (formerly Walk Denver)
Sarah Hill – Chair and STAC Representative, Southwest Transportation Planning Region
Ashley Stolzmann – Chair and STAC Representative, Denver Regional Council of Governments
Piep van Heuven – Bicycle Colorado
Ron DeVries – Colorado Commission on Aging
Ann Rajewski – Chair, Transit & Rail Advisory Committee (TRAC), and Director, CASTA
Heather Sloop – Chair and STAC Representative, Northwest Transportation Planning Region
Denise Micciche – State Unit on Aging, Colorado Department of Human Services (CDHS)

Distribution Formula Recommendations:

The Advisory Committee's final recommended Distribution Formula is shown in **Figure A** and is summarized below.

The Committee's recommended formula substitutes the use of *Population in Disproportionately Impacted (DI) Communities* in place of the *Disadvantaged Population* and *Housing Affordability* criteria used in the current formula. It also adds *Disabled Population* and *Population Aged 65+* as additional criteria. The criteria data are also updated generally from the current 2016 measures to 2019 measures.

The recommended formula continues the current Urban/Rural formula split with Urban regions receiving 81% and the Rural regions receiving 19%, then utilizes different criteria and weighting to distribute those portions among the Urban and among the Rural regions separately. This initial urban/rural split effectively nullifies any formula effect the criteria weighting has between Urban and Rural regions.



The recommended formula consists of a total of eleven criteria. These are grouped into four categories, as follows:

Population	<i>Total Population</i> <i>Population of School-aged Children</i>
Disadvantaged Groups	<i>DI Community Population</i> <i>Disabled Population</i> <i>Population Aged 65+</i>
Transit Ridership	<i>Revenue Miles</i> <i>Unlinked Passenger Trips</i>
Other	<i>Job Counts</i> <i>Bike Crashes</i> <i>Pedestrian Crashes</i> <i>Zero Vehicle Households</i>

The recommended Urban formula weighting is essentially unchanged from the existing formula, other than the current *Disadvantaged Population* being replaced by *DI Community Population*. This places 30% of formula weighting on the Populations category, 10% on Disadvantaged Groups, 20% on Transit Ridership, and the remaining 40% distributed equally among the Other criteria. Of note, the Urban formula does not use the Disabled or Aged 65+ populations criteria.

The recommended Rural formula shifts weighting away slightly from Transit Ridership and Other categories in the current formula in favor of more weighting to the Disadvantaged Groups criteria. This recommended formula includes 25% weighting to the Population category, 45% to Disadvantaged Groups, 10% Transit Ridership and 20% to the Other criteria. Of note, the Rural formula does not use the Unlinked Passenger Trips or the Job Counts criteria.

The Committee also recommended considering distribution of MMOF funds differently for the subsequent fiscal years in which there are varying sources of program funds. Particularly, it was noted that the Retail Delivery Fees, which may be collected more heavily in urban regions, should be distributed proportionally to those regions where Retail Deliveries are impacting air quality and mobility.

Local MMOF Funding Distribution Formula
MMOF Advisory Committee Recommendation
October 13, 2021

FIGURE A

	TPR Name	Pop 2019	School Aged Pop (5-17)	DI Pop (2019)	Disabled Pop (2019)	Pop 65+ (2019)	Revenue Miles (2019)	Unlinked Trips (2019)	Jobs (2016)	Bike Crashes (2015-19)	Ped Crashes (2015-19)	Zero vehicle HH	Alloc%	Allocation\$
Urban (81%)	Pikes Peak Area	12.3%	13.1%	11.7%	13.8%	11.2%	5.5%	2.6%	10.0%	7.6%	10.6%	9.7%	8.90%	\$11,107,521
	Denver Area	57.7%	58.1%	58.2%	50.4%	52.8%	69.4%	78.9%	64.3%	65.9%	70.1%	63.0%	60.04%	\$74,937,493
	North Front Range	8.9%	8.9%	7.2%	8.2%	8.7%	3.9%	4.1%	8.0%	13.6%	7.0%	7.5%	7.28%	\$9,085,174
	Pueblo Area	3.0%	3.0%	4.8%	5.4%	3.9%	1.3%	0.6%	2.3%	2.2%	3.3%	4.4%	2.60%	\$3,248,160
	Grand Valley	2.7%	2.6%	2.4%	3.9%	3.6%	1.0%	0.6%	2.6%	4.0%	2.2%	2.6%	2.18%	\$2,720,993
Rural (19%)	Eastern	1.5%	1.5%	1.1%	1.7%	1.9%	0.1%	0.0%	1.0%	0.2%	0.3%	1.3%	1.50%	\$1,874,875
	Southeast	0.8%	0.8%	1.6%	1.5%	1.1%	0.3%	0.1%	0.6%	0.1%	0.2%	1.4%	1.26%	\$1,572,108
	San Luis Valley	1.2%	1.1%	1.8%	2.0%	1.7%	0.1%	0.0%	0.9%	0.5%	0.3%	1.7%	1.65%	\$2,054,501
	Gunnison Valley	1.8%	1.6%	1.9%	2.5%	2.9%	5.9%	3.5%	1.4%	1.1%	0.8%	1.7%	2.88%	\$3,595,215
	Southwest	1.7%	1.5%	1.4%	2.0%	2.4%	0.9%	0.3%	1.6%	0.8%	0.9%	0.8%	1.86%	\$2,322,449
	Intermountain	3.0%	2.9%	3.4%	1.9%	2.8%	9.4%	7.9%	3.5%	2.1%	2.0%	1.6%	3.95%	\$4,931,343
	Northwest	1.1%	1.0%	0.8%	0.8%	1.2%	1.1%	1.2%	1.1%	0.6%	0.4%	0.8%	1.14%	\$1,418,704
	Upper Front Range	2.0%	2.0%	1.7%	2.4%	2.4%	0.7%	0.1%	1.4%	0.6%	0.8%	1.3%	2.11%	\$2,629,413
	Central Front Range	1.8%	1.4%	1.4%	2.6%	2.7%	0.3%	0.1%	1.0%	0.5%	0.6%	1.3%	1.99%	\$2,489,986
	South Central	0.4%	0.3%	0.7%	0.8%	0.7%	0.2%	0.0%	0.3%	0.1%	0.2%	1.0%	0.66%	\$826,067
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	\$124,814,000
	<i>Urban Formula wt</i>	20.0%	10.0%	10.0%			10.0%	10.0%	10.0%	10.0%	10.0%	10.0%	100.0%	
	<i>Rural Formula wt</i>	15.0%	10.0%	15.0%	15.0%	15.0%	10.0%			5.0%	5.0%	10.0%	100.0%	
		POPULATIONS		Disadv. Pop.			TRANSIT		OTHER					
Urban		30.0%		10%			20.0%		40.0%					
Rural		25.0%		45%			10.0%		20.0%					
	<i>2019 Urban Formula</i>	20%	10%	10%			10%	10%	10%	10%	10%	10%		
	<i>2019 Rural Formula</i>	20%	10%	25%			15%	10%		5%	5%	10%		



COLORADO

Department of Transportation

Multimodal Transportation & Mitigation Options Fund (MMOF): Local Distribution Formula



BACKGROUND - Original MMOF Program

- Original MMOF program created under Senate Bill 2018-001
- Requires all funding be split: 85% for local projects, 15% for CDOT
- Statutes require the TC adopt a formula to distribute local funds to MPOs/TPRs in consultation with STAC, TRAC, bicycle & pedestrian advocates
- MMOF Advisory Committee formed in 2019, consisting of representatives of STAC, TRAC, Bicycle CO, Walk Denver, State Unit on Aging, CO Commission on Aging, Denver Streets Partnership
- Committee's recommended formula adopted by the TC in June 2019 and used to distribute the original state funding (\$76M)



Original Distribution Formula

- Based on 10 criteria (2016 5-yr estimates):
 - Total population
 - School-aged children population
 - Disadvantaged population
 - Housing + transportation cost
 - Zero-vehicle households
 - Transit revenue miles
 - Transit unlinked passenger trips
 - Job counts
 - Bicycle crashes
 - Pedestrian crashes



Senate Bill 2021-260 Changes

- Expanded the MMOF program goals to improve multimodal access and options for Disproportionately Impacted (DI) communities
 - DI communities are census block groups where >40% of households are either:
 - Low-income,
 - Minority, or
 - Housing cost-burdened (>30% of income for housing)
- Expanded MMOF funding eligibility for greenhouse gas emission reduction projects
- Provides steady funding of ~\$448M over 10 years



Why Update the Original Formula?

- Data Issues:
 - 2016 criteria cannot be readily replicated with more recent data for the disadvantaged population or the housing/transportation cost-burden criteria
 - Bicycle & pedestrian crash data (by county) cannot be validly summarized by TPR
- In September, STAC & staff recommended formula updates to:
 - Align distribution formula criteria with SB260's program goals
 - Use more reliably available and valid criteria
 - Update all criteria data to most recent year available (2019 5-yr estimates)
 - New criteria recommended: DI Community Population, Disabled Population & Aged 65+ Pop.



Formula Recommendations

- MMOF Advisory Committee reconvened in October 2021
 - Recommended updating local MMOF distribution formula criteria and weighting
- TRAC & STAC concurred with the MMOF Advisory Committee's recommended formula
- TRAC also recommended the formula be re-examined when more recent data is available, such as census 2020 data or 2020 National Transit Database (NTD) data
- NOTE: More recent year's data, such as Census 2020, is likely not available until late 2022.



Formula Recommendations

	Original Criteria		New Criteria	
POPULATIONS	1	Total Population	1	same
	2	School Aged Population	2	same
DISADVANTAGED Groups	3	Disadvantaged Population <i>(low-income, disabled or Age 65+)</i>	3	DI Community Population <i>(low-income, housing cost, or minority)</i>
			4	Disabled Population
	4	Housing & Trans Cost-burden	5	Age 65+ Population
	5	Zero-Vehicle Households	6	same
TRANSIT Ridership	6	Revenue Miles	7	same
	7	Unlinked Passenger Trips	8	same
OTHER	8	Job Counts	9	same
	9	Bicycle Crashes (by county)	10	Bicycle Crashes (actual point data)
	10	Pedestrian Crashes (by county)	11	Pedestrian Crashes (actual point data)



Formula Recommendations

Advisory Committee Recommendations:

- Continues existing 81% urban / 19% rural split
- RURAL criteria formula:
 - Eliminate the Unlinked Passenger Trips criteria (which is a count of the number of passenger boardings of transit vehicles)
 - Shift the criteria weighting to the new Disabled & Age 65+ Population criteria
- URBAN criteria formula:
 - Generally unchanged from original SB18-01 formula; same DI Communities weighting as for Disadvantaged Populations criteria in original formula

(Note that this results in the Disabled and Aged 65+ Population criteria being omitted from the urban formula)

Recommended Formula

TPR Name	Pop 2019	School Aged Pop	DI Pop	Disabled Pop	Pop 65+	Zero vehicle HH	Revenue Miles	Unlinked Trips	Jobs	Bike Crashes	Ped Crashes	Alloc%	Allocation\$	
Pikes Peak Area	12.3%	13.1%	11.7%	13.8%	11.2%	9.7%	5.5%	2.6%	10.0%	7.6%	10.6%	8.90%	\$18,898,912	Urban (81%)
Denver Area	57.7%	58.1%	58.2%	50.4%	52.8%	63.0%	69.4%	78.9%	64.3%	65.9%	70.1%	60.04%	\$127,502,541	
North Front Range	8.9%	8.9%	7.2%	8.2%	8.7%	7.5%	3.9%	4.1%	8.0%	13.6%	7.0%	7.28%	\$15,457,986	
Pueblo Area	3.0%	3.0%	4.8%	5.4%	3.9%	4.4%	1.3%	0.6%	2.3%	2.2%	3.3%	2.60%	\$5,526,588	
Grand Valley	2.7%	2.6%	2.4%	3.9%	3.6%	2.6%	1.0%	0.6%	2.6%	4.0%	2.2%	2.18%	\$4,629,639	
Eastern	1.5%	1.5%	1.1%	1.7%	1.9%	1.3%	0.1%	0.03%	1.0%	0.2%	0.3%	1.50%	\$3,190,010	Rural (19%)
Southeast	0.8%	0.8%	1.6%	1.5%	1.1%	1.4%	0.3%	0.06%	0.6%	0.1%	0.2%	1.26%	\$2,674,866	
San Luis Valley	1.2%	1.1%	1.8%	2.0%	1.7%	1.7%	0.1%	0.01%	0.9%	0.5%	0.3%	1.65%	\$3,495,635	
Gunnison Valley	1.8%	1.6%	1.9%	2.5%	2.9%	1.7%	5.9%	3.53%	1.4%	1.1%	0.8%	2.88%	\$6,117,086	
Southwest	1.7%	1.5%	1.4%	2.0%	2.4%	0.8%	0.9%	0.32%	1.6%	0.8%	0.9%	1.86%	\$3,951,535	
Intermountain	3.0%	2.9%	3.4%	1.9%	2.8%	1.6%	9.4%	7.90%	3.5%	2.1%	2.0%	3.95%	\$8,390,443	
Northwest	1.1%	1.0%	0.8%	0.8%	1.2%	0.8%	1.1%	1.24%	1.1%	0.6%	0.4%	1.14%	\$2,413,856	
Upper Front Range	2.0%	2.0%	1.7%	2.4%	2.4%	1.3%	0.7%	0.06%	1.4%	0.6%	0.8%	2.11%	\$4,473,819	
Central Front Range	1.8%	1.4%	1.4%	2.6%	2.7%	1.3%	0.3%	0.05%	1.0%	0.5%	0.6%	1.99%	\$4,236,591	
South Central	0.4%	0.3%	0.7%	0.8%	0.7%	1.0%	0.2%	0.02%	0.3%	0.1%	0.2%	0.66%	\$1,405,513	
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	\$212,365,020	
<i>URBAN Formula wt</i>	20.0%	10.0%	10.0%			10.0%	10.0%	10.0%	10.0%	10.0%	10.0%	100%		
<i>RURAL Formula wt</i>	15.0%	10.0%	15.0%	15.0%	15.0%	10.0%	10.0%			5.0%	5.0%	100%		
	POPULATIONS		DISADVANTAGED groups			TRANSIT			OTHER					
URBAN	30.0%		20%			20.0%			30.0%					
RURAL	25.0%		55%			10.0%			10.0%					

NOTES

- Revenue Miles – represents total number of vehicle miles carrying passengers
- Unlinked Passenger Trips – represents the number of transit vehicle boardings, (not the number of passengers using transit)

Original SB18-01 Formula (for reference)

	TPR Name	Pop 2016	Jobs	Disadv Pop	Zero vehicles	Revenue Miles	Unlinked Trips	Bike Crash	Pedestrian Crash	School Aged Children	Household Affordability Burden	Alloc%	Allocation\$	
Urban (81%)	Pikes Peak Area	12.3%	10.0%	11.8%	9.9%	4.4%	2.6%	7.4%	7.5%	13.5%	12.2%	8.58%	\$6,530,588	Urban (81%)
	Denver Area	57.7%	64.3%	52.9%	62.5%	69.6%	80.5%	65.6%	75.1%	56.8%	54.4%	60.19%	\$45,806,472	
	North Front Range	8.9%	8.0%	9.2%	7.3%	4.7%	3.9%	12.9%	5.0%	9.4%	8.8%	7.32%	\$5,574,487	
	Pueblo Area	3.0%	2.3%	4.4%	4.8%	1.2%	0.7%	2.6%	3.1%	3.0%	3.6%	2.63%	\$2,003,696	
	Grand Valley	2.7%	2.6%	3.6%	2.8%	1.1%	0.6%	3.3%	2.0%	2.8%	3.1%	2.27%	\$1,731,326	
Rural (19%)	Eastern	1.5%	1.0%	1.7%	1.5%	0.1%	0.0%	0.2%	0.4%	1.4%	1.9%	1.36%	\$1,031,742	Rural (19%)
	Southeast	0.8%	0.6%	1.3%	1.0%	0.1%	0.0%	0.1%	0.2%	0.8%	1.1%	0.87%	\$663,955	
	San Luis Valley	1.2%	0.9%	1.9%	1.6%	0.1%	0.0%	0.5%	0.4%	1.2%	1.6%	1.26%	\$961,899	
	Gunnison Valley	1.8%	1.4%	2.6%	1.9%	5.0%	2.7%	1.0%	0.7%	1.7%	2.3%	3.10%	\$2,355,648	
	Southwest	1.8%	1.6%	2.1%	0.9%	1.2%	0.4%	0.2%	0.4%	0.9%	2.1%	1.64%	\$1,247,251	
	Intermountain	3.1%	3.5%	2.5%	1.7%	7.9%	6.4%	2.7%	2.6%	3.5%	3.3%	4.93%	\$3,751,215	
	Northwest	1.1%	1.1%	1.0%	0.8%	1.2%	1.3%	0.7%	0.5%	1.1%	1.2%	1.30%	\$992,910	
	Upper Front Range	1.9%	1.4%	2.1%	1.4%	1.0%	0.1%	1.9%	1.0%	2.1%	2.0%	1.96%	\$1,492,764	
	Central Front Range	1.8%	1.0%	2.3%	1.3%	2.3%	0.8%	0.7%	0.8%	1.5%	2.1%	2.12%	\$1,617,175	
	South Central	0.4%	0.3%	0.6%	0.7%	0.2%	0.0%	0.1%	0.2%	0.3%	0.5%	0.45%	\$345,748	
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	\$76,106,875	
	<i>Urban Formula wt</i>	<i>20.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>10.0%</i>		<i>100.0%</i>		
	<i>Rural Formula wt</i>	<i>20.0%</i>		<i>15.0%</i>	<i>10.0%</i>	<i>15.0%</i>	<i>10.0%</i>	<i>5.0%</i>	<i>5.0%</i>	<i>10.0%</i>	<i>10.0%</i>	<i>100.0%</i>		
		POPULATIONS		Disadvantaged Pop		TRANSIT		OTHER						
	Urban	30%		20.0%		20%		30%						
	Rural	30%		35.0%		25%		10%						



Formula Recommendations

Additional TRAC Recommendations:

- Encourages MPOs/TPRs to make multi-year commitments of MMOF funding to enable new transit services.
- Requested CDOT provide each MPO/TPR an annual projection of MMOF funding available, and to support their ability to make longer-term, transit operating commitments.



MMOF Funding to be Distributed

- The State’s FY2021 general revenues were considerably stronger than anticipated, and as a result...
- The \$108.1M Surplus State Revenues originally projected to transfer to MMOF over 3-5 years will ALL be transferred on June 30, 2022.
- MPOs/TPRs may select projects to use these state surplus revenues alongside the federal stimulus funding.

FY22 distribution	State MMOF	Local MMOF	Local Admin (2%)
Federal stimulus	\$ 22,026,000	\$ 124,814,000	\$ -
State surplus	\$ 16,215,000	\$ 87,551,020	\$ 4,333,980
TOTAL	\$ 38,241,000	\$ 212,365,020	\$ 4,333,980

- Admin Set-aside is reduced from the previous 5% to 2% and will be withheld entirely from the FY23 surplus state revenues



Next Steps

- TC urged to consider final adoption of an updated distribution formula by resolution tomorrow (Jan. 20). Requested TC changes to the formula as presented will be prepared following today's workshop.
- MPO/TPR allocations, funding projections, and match requirements will be distributed to TPRs.
- Program guidance and resources will be provided to TPRs and Local Agencies throughout January
- MPO/TPR project selection cycles are anticipated to progress throughout the winter/spring months
- Staff proposals for use of the State MMOF program funds will be presented in the coming months.

Questions & Discussion

- For questions or comments, please contact:
Michael Snow
Transportation Planning Specialist
michael.snow@state.co.us | 303.512.4123

DATE: January 19, 2022
TO: Transportation Commission
FROM: Amber Blake, Director - Division of Transit & Rail
Michael Timlin, Senior Manager of Mobility Operations
RE: Pegasus Update

Purpose

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

Action

Informational only - no action is required.

Background

The Transportation Commission approved Pegasus, the most recent addition to the Bustang family of services in April 2021. Pegasus will operate Friday - Sunday, and Holiday Mondays as an express passenger transportation service featuring small accessible eleven (11) passenger Ford Transit XL Vans in the I-70 mountain corridor in near hourly headways or scheduled intervals Denver Union Station (DUS) and Avon, CO.

The vans will operate in the peak period shoulder lanes (or Mountain Express Lanes) in Clear Creek County when the lanes are active. Each van has a capacity of 11 passengers and does not require a CDL to operate.

Details

As a result of current national supply chain management issues the delivery schedule for the Pegasus vans has been delayed. A minimum of 10 vans are required to start the original service plan.

Here is the latest update:

- *June 2021* - Ford Motor Company accepted our order for ten (10) Ford Transit XL vans.
- *Late August 2021* - Ford began manufacturing the vehicles.
- *Late November 2021* - Due to a shortage of freight rail capacity in the Midwest, eight (8) of the vans were finally delivered to NorCal Vans for conversion.
- *December 2021* - NorCal discovered Ford inexplicably cancelled the final two vans in the order, even though Ford assigned VIN numbers to those two vans. Davey Coach is preparing a subsequent order of six (6) additional vans, awaiting NTP by DTR to be funded with old FTA 5311(f)
- We do not anticipate delivery two (2) remaining vans until Summer 2022 or later.

Next Milestones:

- March 20, 2022 - Anticipated delivery of eight (8) vans
- March - April 2022 - Required Fleet testing and training
- April 29, 2022 - Anticipated launch date

Full-Service Plan - April 29, 2022

- Using the State Price Agreement, CDOT DTR will rent two (2) - 15 passenger vans to total ten (10) required vans- Total cost - \$4,000 - \$6,000 per month- until the last two (2) vans are delivered-The spares will be assigned to back-up service only.
- Launch Full-Service April 29, 2022, with Peak Service plan

Service Alternative - If Hertz/ Enterprise are unable to meet contract requirements

- A minimum of 6 vans are required for a reduced service plan (1/2 the frequency), with 2 spares for back-up.
- Develop the reduced interim service plan January -February 2022 as well as new communications plan.
- Launch reduced interim service plan April 29 (without rental vans).
- Summer 2022 - Determine Full Service go live when delivery of the final two (2) vans is known.
- September - December 2022 - Transition to Full-Service with peak service

Pegasus Full-Service Schedule



Denver Union Station // Avon

Westbound Schedule

BUS ROUTE	Denver Union Station	Federal Center Station	Idaho Springs	Frisco	Vail	Avon
7700 (Monday Only)	5:00 AM	5:25 AM	OC	6:35 AM	7:10 AM	7:30 AM
7702 (Friday, Saturday, Sunday, Monday, Holidays)	6:00 AM	6:25 AM	OC	7:35 AM	8:10 AM	8:30 AM
7704 (Friday, Saturday, Sunday, Monday, Holidays)	7:00 AM	7:25 AM	OC	8:35 AM	9:10 AM	9:30 AM
7706 (Friday, Saturday, Sunday, Monday, Holidays)	8:00 AM	8:25 AM	OC	9:35 AM	10:10 AM	10:30 AM
7708 (Saturday Only)	9:00 AM	9:25 AM	OC	10:35 AM	11:10 AM	11:30 AM
7710 (Friday, Saturday, Sunday, Holidays)	11:00 AM	11:25 AM	OC	12:35 PM	1:10 PM	1:30 PM
7712 (Friday, Saturday, Sunday, Holidays)	12:00 PM	12:25 PM	OC	1:35 PM	2:10 PM	2:30 PM
7714 (Friday, Saturday, Sunday, Holidays)	1:15 PM	1:40 PM	OC	2:50 PM	3:25 PM	3:45 PM
7716 (Friday, Saturday, Sunday, Holidays)	2:00 PM	2:25 PM	OC	3:35 PM	4:10 PM	4:30 PM
7718 (Friday, Saturday)	2:45 PM	3:10 PM	OC	4:20 PM	4:55 PM	5:15 PM
7720 (Friday, Saturday, Sunday, Holidays)	3:30 PM	3:55 PM	OC	5:05 PM	5:40 PM	6:00 PM
7722 (Friday, Saturday, Sunday, Holidays)	5:00 PM	5:25 PM	OC	6:35 PM	7:10 PM	7:30 PM
7724 (Saturday Only)	6:00 PM	6:25 PM	OC	7:35 PM	8:10 PM	8:30 PM
7726 (Friday, Saturday, Sunday, Holidays)	7:15 PM	7:40 PM	OC	8:50 PM	9:25 PM	9:45 PM
7728 (Friday, Saturday)	8:00 PM	8:25 PM	OC	9:35 PM	10:10 PM	10:30 PM

OC = Van stops only for pre-arranged reservation

Eastbound Schedule

BUS ROUTE	Avon	Vail	Frisco	Idaho Springs	Federal Center Station	Denver Union Station
7701 (Monday Only)	5:00 AM	5:20 AM	6:00 AM	OC	6:55 AM	7:15 AM
7703 (Friday, Saturday, Sunday, Holidays)	5:15 AM	5:35 AM	6:15 AM	OC	7:10 AM	7:30 AM
7705 (Monday Only)	6:00 AM	6:20 AM	7:00 AM	OC	7:55 AM	8:15 AM
7707 (Monday Only)	7:00 AM	7:20 AM	8:00 AM	OC	8:55 AM	9:15 AM
7709 (Friday, Saturday, Sunday, Holidays)	7:30 AM	7:50 AM	8:30 AM	OC	9:25 AM	9:45 AM
7711 (Monday Only)	8:00 AM	8:20 AM	9:00 AM	OC	9:55 AM	10:15 AM
7713 (Friday, Saturday, Sunday, Holidays)	9:30 AM	9:50 AM	10:30 AM	OC	11:25 AM	11:45 AM
7715 (Friday, Saturday, Sunday, Holidays)	10:45 AM	11:05 AM	11:45 AM	OC	12:40 PM	1:00 PM
7717 (Friday, Saturday, Sunday, Holidays)	11:30 AM	11:50 AM	12:30 PM	OC	1:25 PM	1:45 PM
7719 (Friday, Saturday, Sunday, Holidays)	12:30 PM	12:50 PM	1:30 PM	OC	2:25 PM	2:45 PM
7721 (Friday, Saturday, Sunday, Holidays)	1:45 PM	2:05 PM	2:45 PM	OC	3:40 PM	4:00 PM
7723 (Friday, Saturday, Sunday, Holidays)	2:30 PM	2:50 PM	3:30 PM	OC	4:25 PM	4:45 PM
7725 (Saturday Only)	3:30 PM	3:50 PM	4:30 PM	OC	5:25 PM	5:45 PM
7727 (Friday, Saturday, Sunday, Holidays)	4:45 PM	5:05 PM	5:45 PM	OC	6:40 PM	7:00 PM
7729 (Friday, Sunday)	5:30 PM	5:50 PM	6:30 PM	OC	7:25 PM	7:45 PM
7731 (Friday, Saturday, Sunday, Holidays)	6:30 PM	6:50 PM	7:30 PM	OC	8:25 PM	8:45 PM
7733 (Saturday Only)	7:45 PM	8:05 PM	8:45 PM	OC	9:40 PM	10:00 PM
7735 (Friday, Sunday, Holidays)	8:30 PM	8:50 PM	9:30 PM	OC	10:25 PM	10:45 PM

OC = Van stops only for pre-arranged reservation

♿ 25% discount for people with disabilities and seniors 65+, 50% discount for children ages 2-11.
*Bus routes may change during the year. For more information please visit RideBustang.com.

Peak Service - Peak service will operate during heavy peak periods. In 2022, the peak service will operate:

Memorial Day period - May 27 - 31, 2022

Independence Day period - July 1 - 5, 2022

Labor Day Period - September 2 - 6, 2022

Thanksgiving Peak - November 22 - 28, 2022

Christmas - New Year's Peak - December 15, 2022, to January 9, 2023

Denver Union Station Stop -With RTD's prohibition of "passenger vans" operating in the DUS Bus Concourse, Denver Department of Transportation and Infrastructure (DOTI) has assigned us two van parking spaces in the 1700 block of Wewatta St., steps from the Wewatta Pavilion entrance to the Bus Concourse. They will post bus stop signage in early April 2022.

Staff is collaborating with RTD to post Pegasus wayfarer signage in Denver Union Station, bus concourse, Light Rail Platform, and 16th Street Mall Shuttle.

Map of Pegasus Stop (Signage is the actual Denver DOTI designed Pegasus Stop Sign).



Next Steps

- Begin weekly updates of van delivery with Davey Coach and RAE Consultants
- Continue weekly status update with Ace Express Coaches
- In March after delivery of van #1, meet with RTD and INIT to determine placement of van on-board PCs for ITS CAD-AVL (Computer Assisted Dispatch - Automatic Vehicle Locator (GPS)
- January - March- Collaborate with Ace Express to develop alternative reduced Pegasus service plan as back up mitigation should Enterprise and Hertz be unable to meet their contractual obligations
- April 29, 2022 - Launch Pegasus



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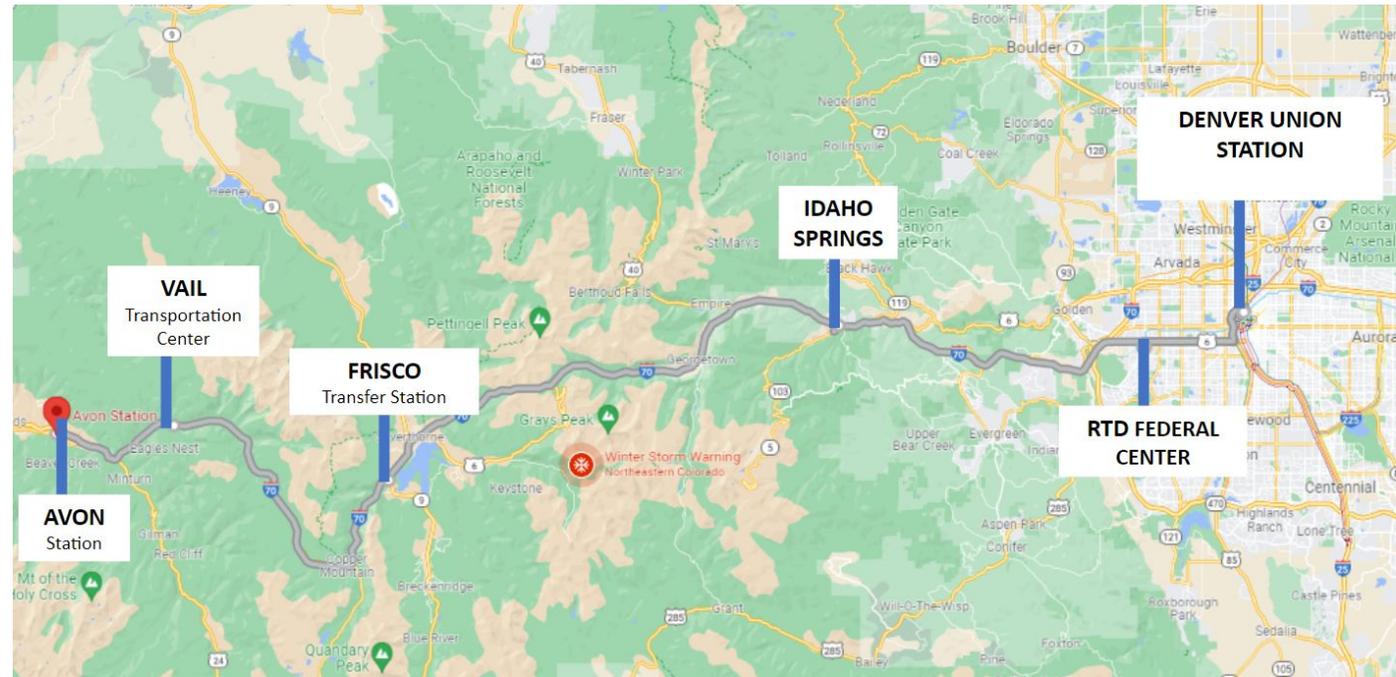
Department of Transportation

Bustang Family of Services January 2022 TC Update



Pegasus

- In April of 2021 the Transportation Commission Approved the Pegasus Service as a transportation option to
- Pegasus will be an express service operating Friday - Sunday, and Holiday Mondays between Denver Union Station and Avon.
- The Service will operate 11 passenger vans, using Mountain Express Lanes in Clear Creek County when the lanes are active





- Service was originally scheduled to begin in February and is now planned to begin on April 29, 2022
- Vans were ordered in June 2021
- 8 of 10 vans were delivered for conversion work in November 2021
- In December 2021, it was discovered 2 of 10 vans were cancelled from production by Ford
- Staff is working with Davey Coach to order six (6) additional vans
- The 2 outstanding vans are now anticipated to arrive summer 2022





- 8 vans will be delivered to CDOT March 2022
- Additional vans will be rented via state price agreement to enable CDOT to run full peak service
- Vehicle testing and staff training will take place March - April
- Service kick off April 29





BUSTANG 2021 OVERVIEW



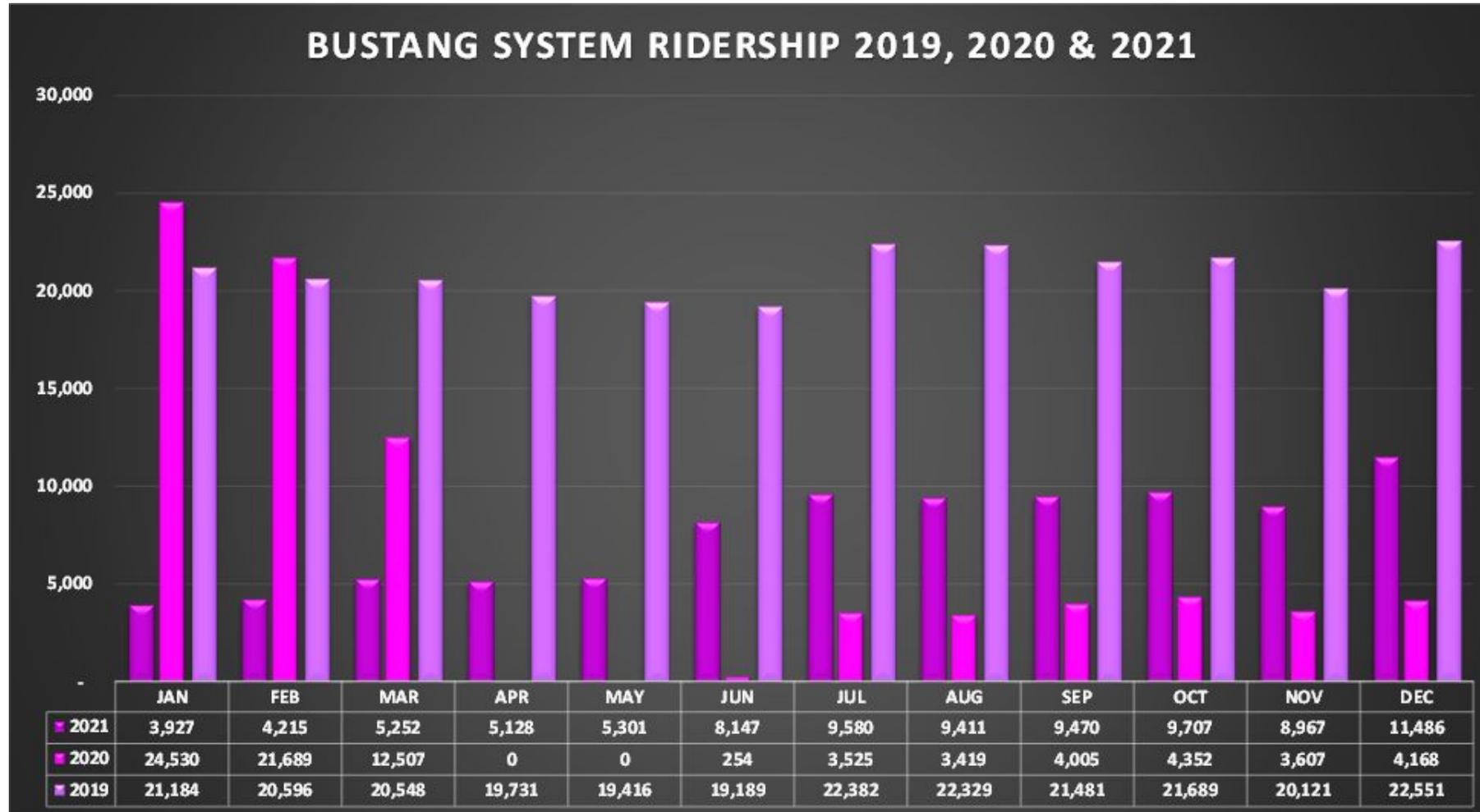


Bustang 2021 Observations

- Bustang ridership is holding steady with ridership returning to pre-COVID levels on par or exceeding expectations.
- Ridership data supports continued planning for future expansion and service enhancements
- The North and South Lines
 - North Line at **40-46%** of Pre-COVID 2019 ridership
 - South Line is trending lower at **31-36%** of Pre-COVID 2019 ridership
 - CSU Students make up considerable number of the commuting on the North Line
- West Line
 - In December 2021 showed ridership at **84%** of Pre-COVID 2019
 - The West Line caters to Leisure and Essential trip customers with very few commuters

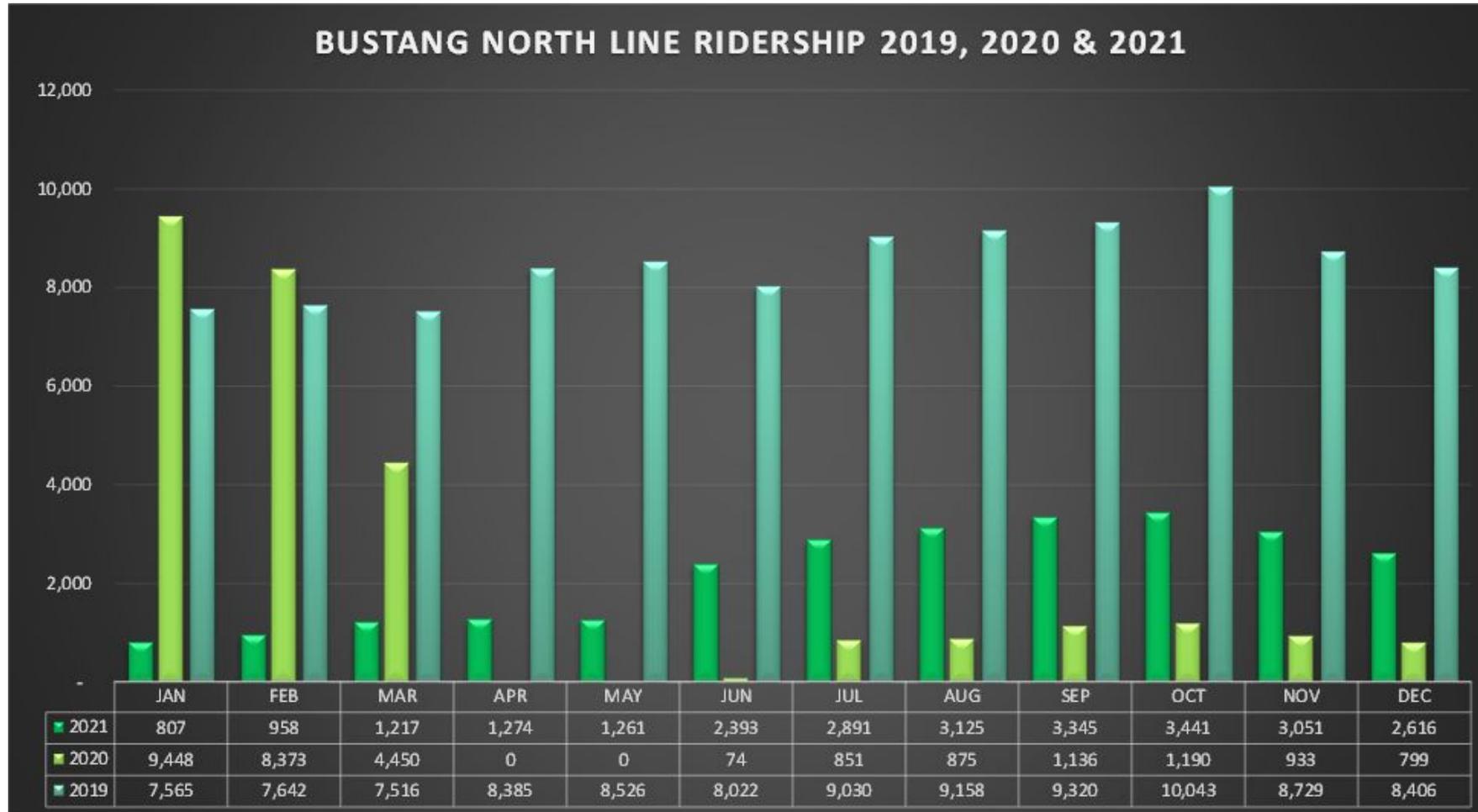


System Wide



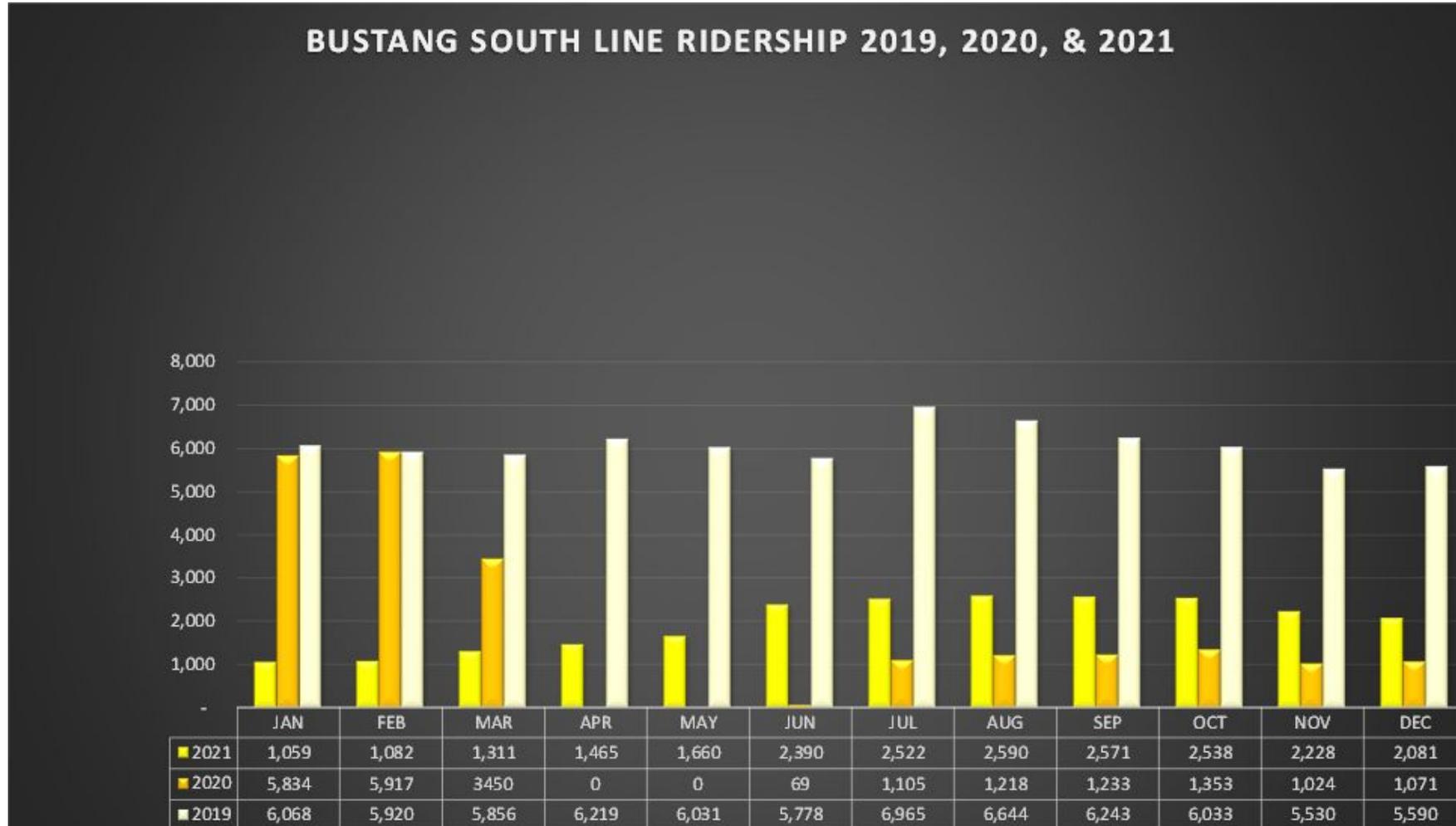


North Line



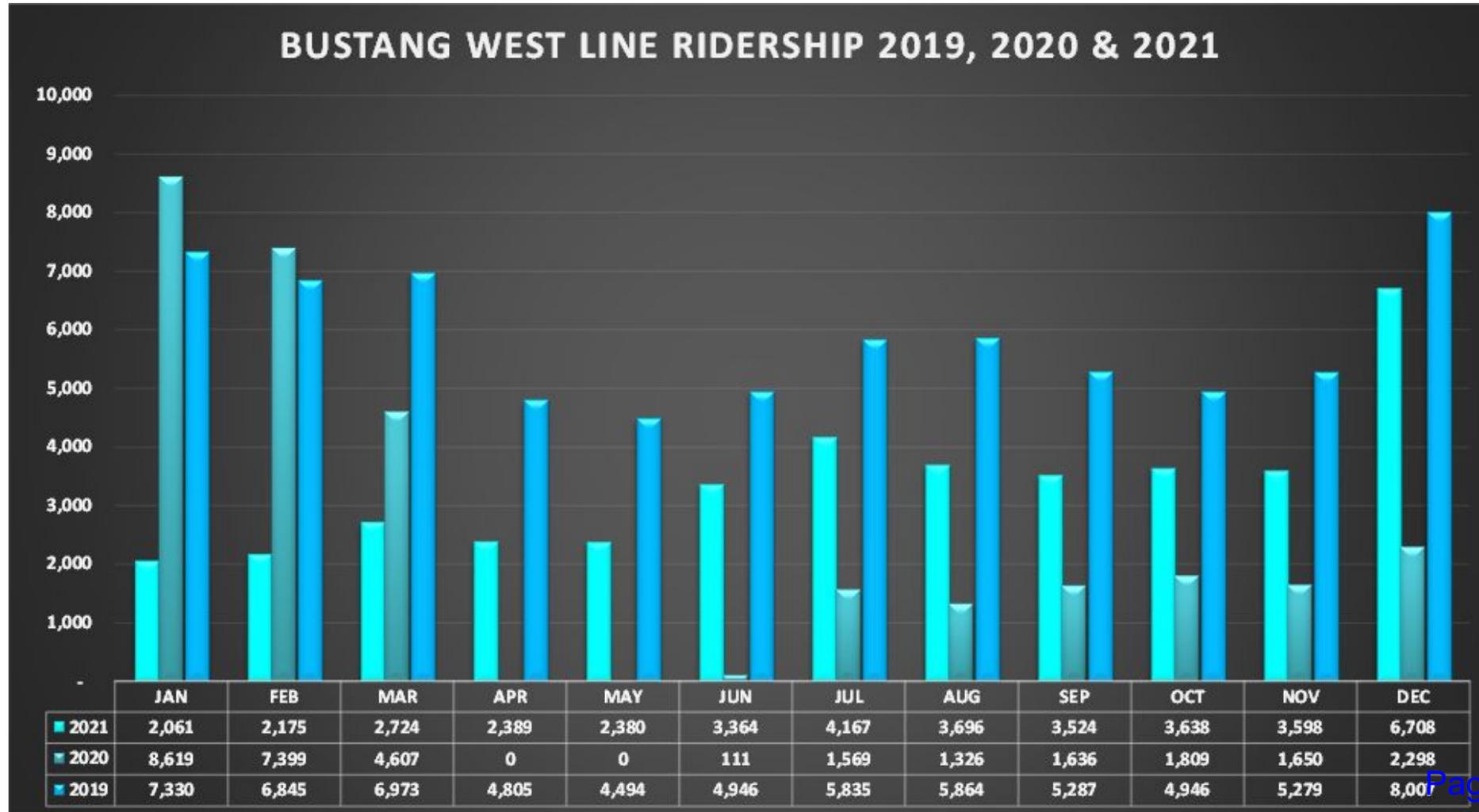


South Line





West Line





Partnership with Boulder County:

- Bustang will be offering a promo code to provide people impacted by the Marshall Fire free trips on Bustang to get to DUS.
- Boulder County has made arrangements with RTD for trips from DUS to the the Disaster Assistance Center in Lafayette.



Snowstang Update





Overall Snowstang ridership is performing as expected.

- Excellent partnership between CDOT and resorts to provide safe and affordable service

Steamboat, Loveland, Copper Mountain

- Began service 12/11
- Ridership as expected
- Copper Mountain New Service, meeting ridership expectations

A-Basin

- Began service 12/18
- Ridership as expected





2021-2022 Incentive Program

- Buy One-Get One ticket for adult fares
- Kids (2-11) ride FREE, with full fare adult
- Loveland
- Anticipate incentives to increase ridership and reduce VMT and GHG's.





Questions?



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 Lead
Katie Dawson - PE 1, Region 1

DATE: January 19, 2022

SUBJECT: Truck Parking Public Private Partnership Update

Purpose: The purpose of this memorandum 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's concurrence through 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.

Background:

In August, CDOT staff provided the Committee with a high-level overview of the Truck Parking P3 project which just launched. The purpose of the project is to make a substantial impact on addressing the needs and challenges associated with safe and convenient truck parking in Colorado.

Description:

CDOT freight staff is actively deploying a P3 like strategy with a host of partners to help address the lack of truck parking in Colorado. Since this is the first time CDOT is exploring this new partnering opportunity, the project staff will document steps along the way, lessons learned, and roles and responsibilities to identify a replicable process for additional partnership opportunities in the state.



Details:

Over the past few months, great strides have been made in working with the Town of Bennett, CDOT Region 1, Loves Truck Stop and others to add an additional 70 truck parking spaces. Since this is a new arena for CDOT, staff believed it was important to develop a Process Flow Chart which will ultimately influence the steps to be included in a Guidebook to be utilized in future P3 - like endeavors. CDOT Region 1 staff and the Town of Bennett representatives have reviewed the Process Flow Chart and provided feedback. The Process Flow Chart defines the following:

- Overall Schedule
- Sequential Actions Needed from Each Party
- Roles and Responsibilities
- Clear Expectations
- Opportunities for Disengagement if Needed

Please see Attachment A - Process Flow Chart for P3 “Like” Truck Parking Project. Also please note that this Process Flow Chart may be modified for future projects to respond and accommodate project specific information and stakeholder engagement.

Putting this Concept into Action

CDOT's Role in this Partnership-

As presented to the Freight, Regional, and Interstate Mobility Committee of the Transportation Commission in August, CDOT proposes to bring to this partnership the design of the SH 79 Over I-70 bridge. It is CDOT staff's intent to fund the bridge with National Highway Freight Program (NHFP) dollars in the approximate amount of \$2,000,000. CDOT is not committing construction funds for this project and the Town of Bennett is fully aware of this. However, it is the Town of Bennett's hope that they could use the project design plans to leverage other grant/funding opportunities. The construction of the bridge will ultimately improve the access to the additional 70 parking spaces.

As a reminder, any agreement for truck parking expansion will occur between the Town of Bennett and Love's Truck Stop. This avoids the perception that CDOT is in the Truck Parking Concessionaire business and not commit CDOT to any type of long-term maintenance of a non-state-owned asset.

Scoping of Bridge Design Project-

CDOT Region 1 conducted a Bridge Design meeting with CDOT staff and the Town of Bennett representatives. The following are key highlights from the meeting:

- Conclusion that this will be an uncomplicated design
- The bridge design will rely on the alternative in the approved 2013 PEL
- The bridge design and other project elements, e.g., categorical exclusion will be a blended team of CDOT staff and a consultant team

Region 2 P3 Discussion

In addition to working with Region 1, the team has been in discussions with the Region 2 RTD and staff to determine if a replicable process could be implemented at the Love's facility off of Drew Dix Pkwy on the north side of Pueblo. Though in the discovery phase, this project



looks promising and will be proactively pursued as part of a separate project once funding has been identified.

Next Steps:

- Continue to work with the Town of Bennett and others at CDOT to develop the IGA
- Continue to work with Region 1 to provide input into the development of an RFP for consultant services
- Establish Next Steps for Region 2
- Consider NHFP funding for future truck parking efforts.

Attachment A: Truck Parking P3 “LIKE” Process Flow Chart

Attachment B: Truck Parking Public Private Partnership Update Presentation

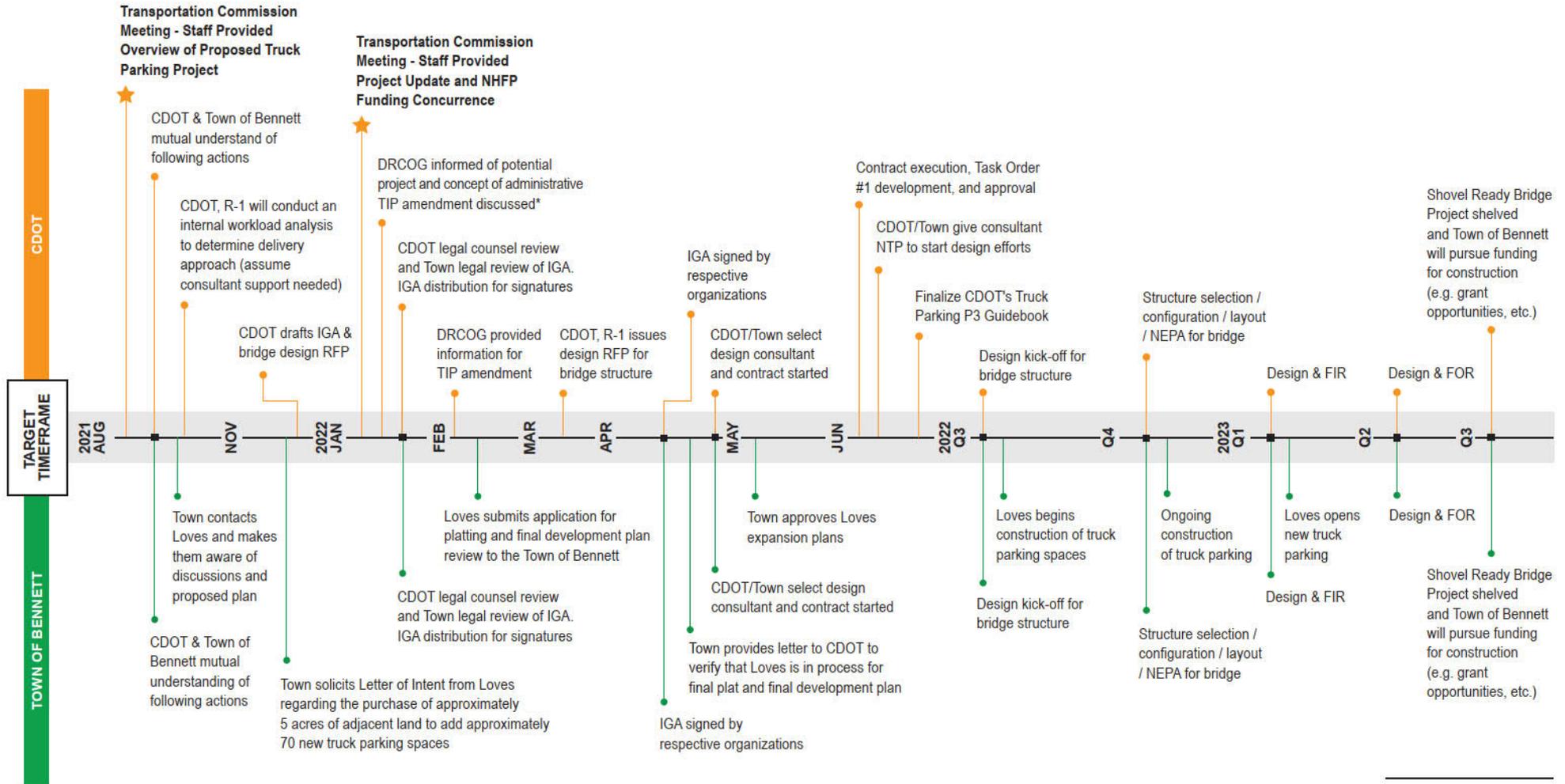


PROCESS FLOW CHART FOR P3 "LIKE" TRUCK PARKING PROJECT



DRAFT

FOR DISCUSSION PURPOSES ONLY;
NOT CONSIDERED FINAL UNTIL INCORPORATED INTO AN IGA



- CDOT activity
- Town of Bennett activity
- Concurrent activity

*Schedule assumes Administrative TIP Amendment Process which is accelerated over the standard TIP Amendment timeline



COLORADO

Department of Transportation

Freight Regional and Interstate Mobility Committee *Truck Parking Public Private Partnership Update*

January, 2022
Page 109 of 181



Project Background

- This project is the first of its kind to help address truck parking challenges in Colorado
- In August CDOT staff provided TC with a high-level overview of the project and gained their support
- CDOT staff has made great strides since August and about to advance this effort





Project Purpose and Intent

- To think outside the box on how to meaningfully impact the lack of truck parking in Colorado
- Define a process that could be replicated to achieve additional truck parking successes across the state
- Document the process to identify lessons learned, roles and responsibilities, and challenges/solutions
- Deploy CDOT's first P3 "like" Truck Parking Project
- Identify other potential P3 opportunities



A Recipe for Success

- Demonstrated Truck Parking Need - The area was identified as a high need area via Phase 1 Truck Parking Study
- Ideal Location - Town of Bennett -15 Miles East of Denver On I-70
- Additional Parking Identified - 70 New Truck Parking Spots
- Willing Partners
 - Town of Bennett - Working with Love's Truck Stop
 - Love's Truck Stop - To purchase adjacent land for additional truck parking



December 3, 2020

RE: Town of Bennett Interested in Truck Parking P3s

To Whom It May Concern:

The Town of Bennett is a growing community on the eastern edge of the Metro Denver Region and is poised for the future with thoughtful planning efforts as the community moves into the future. Key to those planning efforts is the transportation network that we share with the Colorado Department of Transportation (CDOT) and receive funding for via the Denver Regional Council of Governments (DRCOG).

As a Town, in proximity of a rest area that was closed, we are very cognizant of the issues that exist around truck parking. Our firsthand understanding of these issues stems from the fact that trucks often overflow on to our local roads when all the available parking spots at the Love's Travel Stop, in Town, are occupied.

While the Town does benefit from truckers using businesses within our limits, we are also burdened by the additional wear these trucks put on the infrastructure. We believe it could be beneficial to all involved to expand the available truck parking facilities in and around the Town of Bennett, but we are not in a position to do this ourselves.

Therefore, the Town of Bennett would welcome the opportunity to discuss any Public-Private-Partnerships (P3s) that could increase the number of available truck parking sites in the area. We know we're not facing this truck parking issue alone and believe that a successful P3 with the Town of Bennett could be used as an example and replicated in other areas facing the same challenges.

Sincerely,

Royce D. Pindell

Mayor

Larry Vittum

Board of Trustee

Town of Bennett • 207 Muegge Way • Bennett, CO 80102 • p. 303-644-3249 • f. 303-644-4125



Town of Bennett's #1 Request

- Replace SH 79 bridge structure over I-70

Design Benefits:

- Ease of access to the additional 70 parking spaces
- Improve freight safety and mobility

Future Construction:

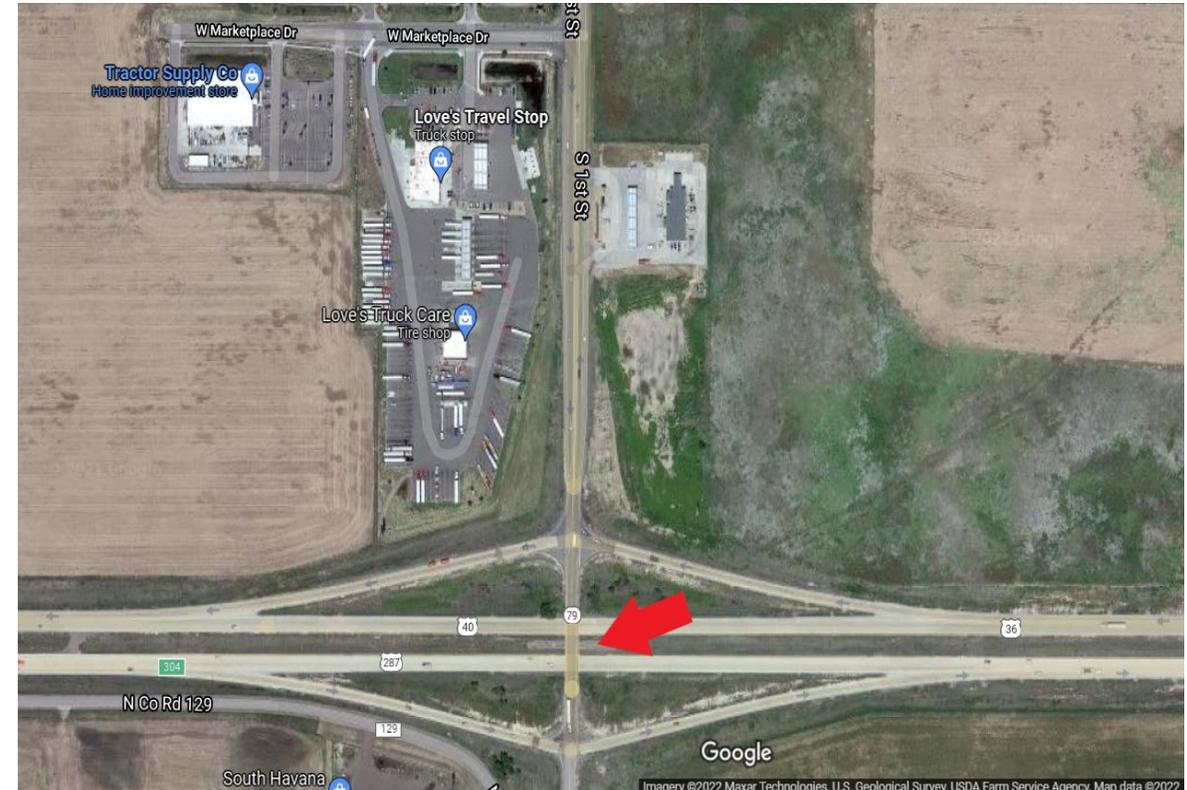
- The Town of Bennett will use the bridge design to seek other funding and grant opportunities





CDOT A Willing Partner

- Defining CDOT's contribution to this Partnership:
 - Fund the Bridge Design with National Highway Freight Program (NHFP) dollars
 - Results from discussion with the Town of Bennett to define desired outcomes
- Bridge Design Scoping Meeting - CDOT R1 & Bennett
 - Straightforward design
 - Build off of 2013 Approved PEL
 - CDOT Staff Bridge to provide design support
 - Other disciplines likely to blended team of CDOT staff & consultants





Process Steps to Achieve IGA Agreement

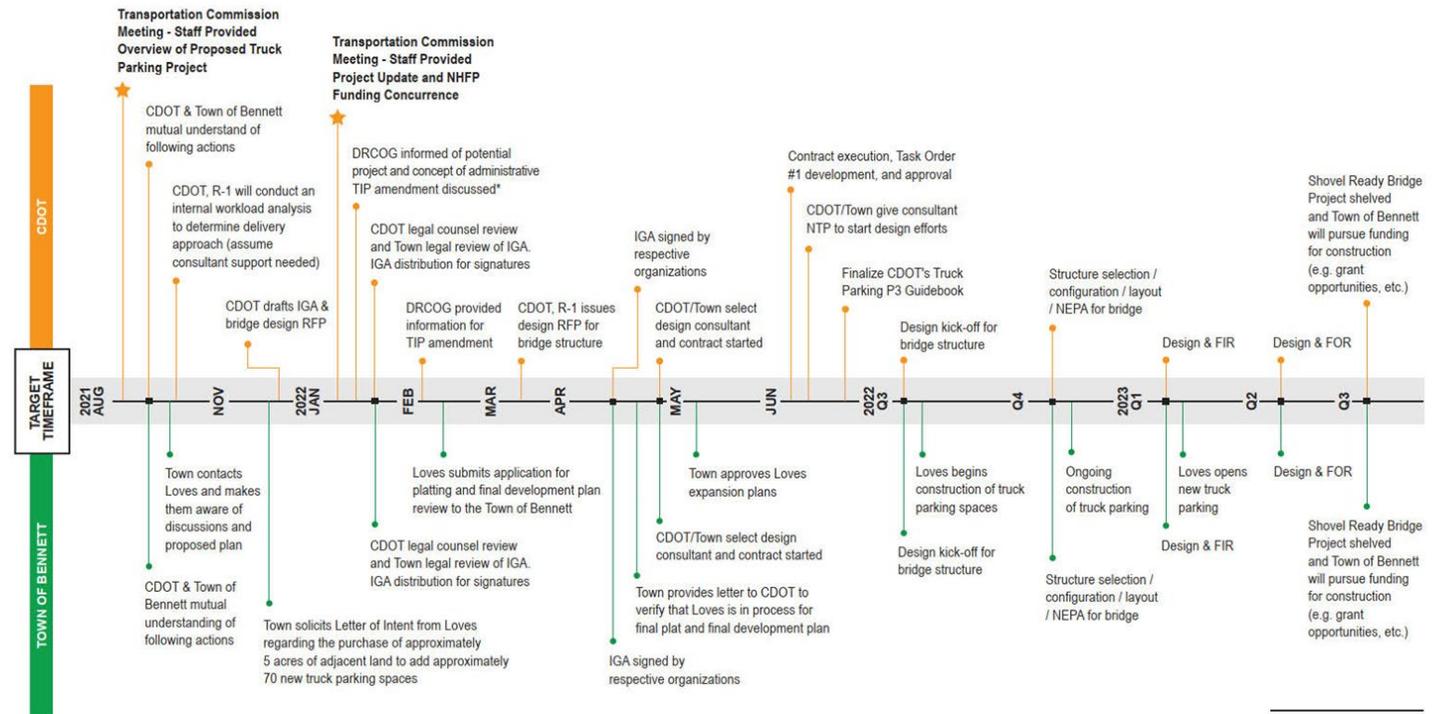
Flow Chart Components:

- Overall Schedule
- Sequential Actions Needed From Each Party
- Roles and Responsibilities
- Clear Expectations
- Opportunities for Disengagement if Needed

PROCESS FLOW CHART FOR P3 "LIKE" TRUCK PARKING PROJECT



DRAFT
FOR DISCUSSION PURPOSES ONLY;
NOT CONSIDERED FINAL UNTIL INCORPORATED INTO AN IGA



● CDOT activity
● Town of Bennett activity
■ Concurrent activity

*Schedule assumes Administrative TIP Amendment Process which is being tracked over the standard TIP Amendment timeline



NHFP Funding Concurrence

- Funding this project is time sensitive in order to move forward with the IGA.
- Staff proposes using project cost savings from previously funded NHFP projects along with a portion of FY22m dollars to fund design.
- Typically, NHFP projects are selected through a several-month long application process (the next round is set to begin in late February).
- To fund this project outside of that process, staff is taking two steps:
 1. Received Freight Advisory Council support for this project
 2. Today's briefing and resolution seeking Commission's concurrence to move forward with project funding (aligns with PD703)



Potential Additional Opportunities

Exploring Truck Parking Expansion Options in Region 2

- Can The Bennett “P3 Like” Model Be Replicated In Pueblo

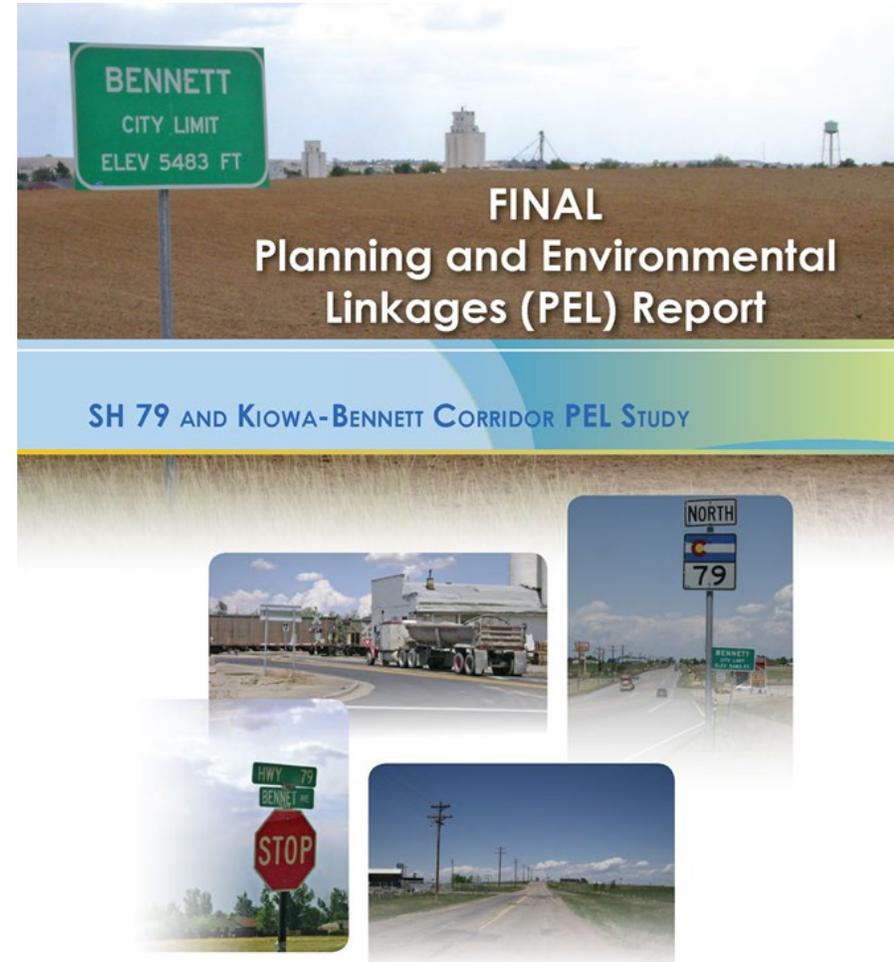
- Love’s off of Drew Dix Parkway
- Vacant Land Surrounds Love’s
- Landowner Interested in Frontage Road Realignment
- Ongoing Discussions with Access & ROW Units in Region 2





Next Steps

- Continue working with Town of Bennett to develop the IGA
- Continue to work with Region 1 to provide final SOW/RFP for consultant selection
- Establish Next Steps For Region 2 and identify funding opportunities





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Department of Transportation

Questions?

The Transportation Commission Workshops took place on Wednesday, December 15, 2021, and the Regular Meeting was held on Thursday, December 16, 2021. These meetings were held in a virtual format only, in an abundance of caution due to the COVID-19 pandemic.

The documents are considered to be in draft form and for information only until final action is taken by the Transportation Commission.

Transportation Commission Workshops

Wednesday, December 15, 2021, 12:00 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.

Advancement of Year 4 Rural Paving Projects (Rebecca White)

Purpose: This workshop outlined a request to approve the advancement of three rural paving projects from Year 4 of the 10-Year Plan in CDOT Engineering Regions 3 and 5.

Action: Staff requested approval to advance this set of rural paving projects from Year 4 of the 10-Year Plan that were previously approved by the Transportation Commission in Resolution #TC-19-11-7.

Discussion:

- No further discussion.

Greenhouse Gas (GHG) Pollution Reduction Planning (Commissioner Lisa Hickey, Rebecca White and Theresa Takushi)

Purpose: To accept the Hearing Officer's recommendation and adopt the proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions ("the Planning Rules"), 2 CCR 601-22.

Action: To pass a resolution to adopt the changes to the Planning Rules, 2 CCR 601-22, as recommended by the Hearing Officer.

Discussion:

- Commissioners and staff emphasized the appropriate role of CDOT and the Commission in developing and adopting the updates to these Planning Rules to incorporate the State's Greenhouse Gas (GHG) reduction goals and highlighted how it reflects the high degree of collaborative public engagement it took to get to the draft being considered today. While there are always going to be opponents and proponents of an importance policy like this, many feel it displays a great deal of compromise and consideration for the varying perspectives that contributed to its current form.
- Director Lew responded to specific, last-minute comments received in a letter to CDOT this past week. Responding to the claim that the Rule was re-written all by one hand and is a one-size-fits-all approach, it was pointed out that many parties contributed to the writing of its various parts, and it affects different parts of the state differently based on their non-attainment status and their technical experience. It does not put any Greenhouse Gas reduction compliance responsibility on Transportation Planning Regions (TPRs), contrary to the letter's claim, nor does it take any priority away from rural projects or take money away from rural funding allocations to pay for urban mitigation. Staff took

particular issue with the assertion in the letter that CDOT will compromise the agreed-to equity formula that it works so hard to preserve. The letter also asserts that because the Department's Benefit Cost Analysis (BCA) does not match that of another entity's BCA, it is somehow not valid and comprehensive. To this, the Director argued this claim invalid, pointing out that no BCA is an objective analysis that can somehow be replicated by another. Rather, it very much reflects the perspectives of its author. The letter also claims the Rule negatively affects Disproportionately Impacted (DI) Communities. If anything, CDOT was asked to go much further for DI Communities than what was possible within the contours of this Rule. And CDOT heard loud and clear, that this can't be the only thing we do for DI Communities. The letter's claim that there's no basis for the Rule's treatment of Vehicle Miles Traveled (VMT) is completely counter to all the in-depth discussion held by the Commission last month and the specific language about that in Senate Bill 260 itself. The letter also incorrectly claims that the Department's analysis of Induced Demand is counter to what is in the Rule by not considering both VMT increases due to induced demand and driving efficiency due to traffic moving smoothly.

- Chief Engineer Harelson acknowledged that no model is perfect, but they are useful. This model incorporates many chaotic phenomena, including human behavior, technical advancement, atmospheric patterns and others. While any model of this sort cannot possibly model such things perfectly, they can and do provide very useful guidance. We recognize and the Rule recognizes that it has limitations, and we can work with those limitations. CDOT will be monitoring the outcomes and effectiveness of the model and continue to not allow any one-sided perspectives try to force it to say one thing or another.
- CDOT's MOVES model is not based on the transportation system of any one state – rather, it's tailored to Colorado by including factors that are specific to it, including its vehicle registration make-up, the numbers of trucks and EV's and others.
- The Commission agreed to slight wording changes in the preamble to recognize that DI Communities are affected not only by construction projects, but also by the lack of investments that provide those communities equal access to transportation choices.
- The definition of Regionally Significant Project within the Rules allows for the various parties affected by its regulation and the Interagency Consultation team to adjust its definition when appropriate.
- The make-up of the State Interagency Consultation Team was modified to allow the Director of the Division of Transportation Development to appoint one or more members to flexibly attain the local technical expertise needed on the team.
- In the illustrative list of potential GHG mitigation measures section, amendments were made to recognize the importance of safety in considering possible mitigation measures.
- In the spirit of continual improvement in the planning process, the Ad hoc committee will continue to be engaged throughout implementation of the Rule in the planning process.

Multimodal Options Fund (MMOF) Regional Distribution Formula and Match Reduction Policy **(Rebecca White, Marissa Gaughan, and Michael Snow)**

Purpose: To review and consider adoption of a recommended update to the Multimodal Transportation & Mitigation Options Fund (MMOF) Match Reduction Formula.

Action: The TC is requested to review and adopt by Resolution an update to the MMOF Match Reduction Formula as recommended by staff, STAC and the MMOF Advisory Committee.

Discussion:

- The resolution will clarify that the current match reduction formula and its resulting match rates for local governments is effective for the current funds being considered for distribution to planning regions

and will apply to all future awards of MMOF funds until such time the Commission may consider adopting updates to the formula.

- Staff clarified that non-governmental agencies such as transit agencies and councils of governments are eligible to apply for MMOF funds. Many are representative of larger geographic areas, and for these, the potential for reduced match requirements may be determined based on the rates granted to the local governments of the area served by those organizations.
- The Administrative set-aside, which CDOT withholds from the Local MMOF funds to defray the direct costs to CDOT for program and project management, is reduced from the previous rate of 5% to 2%. For the current funds being considered (in January) for distribution to the TPRs, all of those funds will be withheld from the state funds and not the federal stimulus funds.
- The Commission recognized that, although this formula will increase the number of agencies eligible for match reduction, many local governments may find the need to request further match waivers, as the SB260 now allows.
- Should the MMOF Advisory Committee be reactivated in the future, as is required when considering changes to the Local Distribution Formula, the Commission wished to consider having additional urban representation on the committee outside of the DRCOG region. If or when the commission revisits the match reduction formula, staff will rely more on STAC and TRAC for feedback and review but may consider conferring with the advisory committee based on TC direction.

Bridge and Tunnel Enterprise (BTE) Articles of Organization and Board Bylaws (Jerad Esquibel and Patrick Holinda)

Purpose: Staff is requesting feedback from the Bridge and Tunnel Enterprise (BTE or Enterprise) Board of Directors (Board) on proposed revisions to the BTE Articles of Organization and Bylaws.

Action: No approval action was requested this month. Staff requested Board feedback on the proposed revisions to the BTE Articles of Organization and Bylaws and will return in January to request approval of the amended documents.

Discussion:

- No further discussion.

Transportation Commission Regular Meeting

Thursday, December 16, 2021, 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:

- Roland Mason, Gunnison County Commissioner, summarized all the steps that the Gunnison Valley is taking to reduce greenhouse gas (GHG) emissions including transitioning to zero emissions vehicles, allowing for mixed use development, investments in affordable housing to keep the workforce in close proximity to their jobs, and hopes to coordinate with CDOT to improve intersections in high density areas. He commented that Gunnison County supports the rule, but urges the TC to think about how to set more ambitious targets.
- Kristen Stephens, Larimer County Commissioner, and Vice Chair of the North Front Range MPO, urged the TC to approve the Greenhouse Gas rule. She clarified that she is not testifying on behalf of the North Front Range MPO. While she is supportive of the North Front Range MPO's comments requesting a number of changes, she urged adoption of the rule even without said changes given the urgent need for climate action. She summarized recent climate impacts to Larimer County, and steps the county is taking to hold oil and gas stricter standards. She noted that lowering GHG across the state will also help with ozone nonattainment across the state, and this impacts the health of a lot of residents. These fears and the challenges are real, but so are the opportunities. Hopes that the TC supports transit funding and helps to creatively solve problems. She urged the TC to keep in mind the importance of fighting for what's important, but doing it in a way that others will support.
- Faith Winter, State Senator, commented that earlier this year when the rulemaking processed was moved from Air Quality Control Commission (AQCC) to the TC she was concerned because of how important this rule is. Fortunately, the TC and CDOT have done a wonderful job. She thanked CDOT for all of their work, and for including clear measurable goals. She is looking forward to seeing the final rule and looks forward to passing the rule. She acknowledged that this is just the first step, and that CDOT must continue to work hard on addressing climate change. She called attention to the fact that a gap between the GHG rule targets and overall pollution reduction goals, and noted that the state needs to continue to work to close the gap.
- Matt Gray, State House Representative, commented on the importance of taking steps towards meeting climate goals. The widespread impacts of climate change need to be addressed on a statewide level. Neighborhoods that haven't been treated the same way, and are experiencing disproportionate impacts need to be accounted for.
- Lori Anderson, Broomfield City Councilor, expressed gratitude for all of the hard work on the GHG rule, and indicated that she hopes this rule is a step forward in addressing the air quality concerns that she so often hears from her constituents. She related all that Broomfield is doing at the local level to address climate change including improving access to bus rapid transit (BRT) and investing in regional trail networks and supportive infrastructure for electric vehicles. Colorado needs to address climate change on all fronts including investment in multimodal improvements and better land use patterns.
- Randall Wheelock, Clear Creek County Commissioner, discussed climate and air quality challenges in Clear Creek County, and the ways that the county is working to address the problems. Requested implementation of the GHG rule involve extensive collaboration with local governments. This type of collaboration leads to better outcomes for CDOT, locals and travelers. The Pegasus microtransit project is a prime example, bringing multimodality and regional transit options to the corridor. This is important because impacts are becoming more pronounced. The days are already getting longer, and summer is on the way, but with record low snow falls winter tourism hasn't taken off, and local businesses are suffering from that. On top of that they also have threats of fires to contend with in the summer. He thanked CDOT for the work on this rule. While local government supports the rule they also want to be

involved, and thinks that local mitigation measures should be included in the mitigation measures, and that local government representatives should be on the advisory board of the mitigation measures group.

- Kathy Henson, Thornton City Councilor, commented that this rule is strong, clears our air, addresses the climate emergency. Thornton needs the projects on I-270 and I-25 as both projects are essential to improving safety, residents in Thornton look forward to additional improvements. BRT on I-270 will reduce congestion and lead to cleaner air. Given that Thornton is the most congested area in the state she would also like to see vehicle miles of travel (VMT) targets included in the rule, as disproportionately impacted communities remain vulnerable. CDOT and the TC were thanked for their work on this rule, and she urged adoption.
- Jeslin Sharehzei, Lakewood City Councilor, commented on how the state can't afford to miss their climate goals. Her constituents are demanding cleaner air. It is also important to prioritize multimodal projects, and CDOT's 10-year plan needs to be updated to reflect climate goals. This is a good start, but does not meet the intent of HB 1261. The rule needs to do more to promote equity and environmental justice.
- Scott James, Weld County Commissioner, thanked the TC for their work on the rule. He commented that he believes the way the rule is written and structured will interfere with CDOT's ability to fulfill its primary mission of moving goods and services. This rule doesn't adequately address safety, the primary role of CDOT. He also commented that the one size fits all approach doesn't work for rural Colorado, and is inappropriate. Additionally, the single best way to support disproportionately impacted communities is to fund roadways so they can connect to opportunities. Because the rule interferes with needed road investments, it will disproportionately impacted DI communities. Commissioner James thanked CDOT for the herculean efforts to engage Weld County.
- Greg Levine, Hinsdale County Commissioner, commented on how evident climate change is in Hinsdale County. The draft rule is strong, but it needs to better address DI communities to meet the intent of the bill, which needs to be specified.
- Jonathan Staufer, Vail Town Councilor, commented on how important it is that communities and the state work together to address climate change to prevent the worst outcomes, which history has showed us is likely to be violent and brutal if not addressed. Transportation is the biggest contributor to emissions, and he is grateful that the rule has been strengthened. Hopes to adopt a rule that is at least as strong as the current rule, but the current draft needs to be stronger, and the rule needs to reach the state targets without leaving it up to CDOT to fill gap. Need to set targets to meet the actual goals. The rule needs to better emphasize bike and pedestrian facilities and transit as preferred strategies. All of this points to the need for swift action. Colorado can be a leader in reducing VMT.
- Keith Baker, Chaffee County Commissioner and Chair of the San Luis Valley Transportation Planning Region (TPR), commented that he is speaking on behalf of himself, a large number of his constituents and a large number of rural Colorado. His county is experiencing rapid growth in VMT and traffic congestion. Chaffee County is working hard on improving transit and multimodal options, but needs support from the state in these endeavors. This rule would be a step in the right direction. He is pleased with the progress on the rule thus far. There may be instances where capacity expansion makes sense, but they should absolutely be required to offset the emissions that projects trigger. The rule needs to reduce VMT through multimodal improvements across the state, which is good for the economy and ecology of the state, as cleaner We transportation choices are needed. He fully supports the proposal under consideration today, but objects to the idea of considering any type of traffic improvement or operational improvement a mitigation measure. All mitigation measures should have proven GHG benefits.
- Jeff Fiedler, Lake County Commissioner, urged the TC to pass the rule and keep it as robust as possible as its very important to the future of the state and Lake County. He understands that the inclusion of VMT standards is controversial, but urged them to include VMT targets in the rule as it is such an important metric. Appreciates the flexibility of the rule as of course solutions that work in Lake County will be different from those that work in urban settings. Rural counties really do need better transit and housing options. 70% of Lake County's workforce commutes over Fremont Pass, and currently the bare bones bus service is insufficient. While they are working on local transit planning and to develop a park and ride to beef that up, multimodal infrastructure will have a huge impact on reducing single

occupancy vehicles (SOVs) and could be a huge quality of life improvement as well. Appreciates continued focus on that in the rule. For a small community like Lake County small grants can go a long way. He noted that so many of the small communities don't have a full staff, so small planning grants are critical for going forward. Thanked CDOT and TC for the work so far.

- Tony Milo, Executive director of Colorado Contractors Association (CCA), commented on how important it is that contractors are able to continue to build projects that make life better for Colorado. The projects that they build save lives and reduce emissions by ensuring traffic moves more efficiently. He trusts and believes Executive Director Lew will not halt or delay projects in the 10-year Plan, and is fully expecting that the 10-year Plan will be built. He will be closely monitoring this rule to ensure that projects move forward. If this results in delay of those projects CCA we will be among the first to express their concerns.
- Christina Lara, owner of West Railroad Contractors, commented on how important highway projects are to her company's ability to repair and maintain railroad tracks around the front range. While she does everything she can to support climate goals by investing in efficient vehicles and technology and asking her employees carpool to work, access to I-25 is very important, and widening of I-25 is needed to do her work. CDOT needs to improve access to roads for working people. Appreciates CDOT's consideration.
- Chris Miller, speaking on behalf of Yes-In-My-Back-Yard (YIMBY) Denver commented that it is no surprise that the state faces environmental challenges, but that this rule puts the state in a good spot to address the challenges. Applauds the rule for taking a constructive approach that is not overly punitive. This fiscally and environmentally responsible rule is how Colorado can move forward, and will support efforts for more affordable housing. Asked that the TC adopt the rule.
- Travis Madsen, Transportation Program Director at Southwest Energy Efficiency Project, urges adoption of the rule. Must think about reducing pollution, and many commentators have noted that. Hoping that will elevate transportation solutions beyond cars to better incorporate multimodal infrastructure and better land use, reduced travel delays, and more and better access to opportunities. Thanked members of the Commission for all the hard work in developing this rule. While didn't get everything they were asking for, the rule should be adopted. He looks forward to working with CDOT to meet and exceed new reduction targets, and urges a yes vote on the rule.
- Danny Katz, Executive Director of Colorado Public Interest Research Foundation, Inc. (CoPIRG), urged a yes vote from Commissioners on the rule. He thinks it is imperfect, but it is critical that some goals are in place. He made three points: 1) CDOT needs to continue to emphasize and invest in expanded transportation options. Right now, there aren't good options for people. Increasing options provides incredible benefits that go beyond climate change benefits as it makes it more affordable, safer, and creates more access to jobs and schools. 2) He is glad to see that so many people have raised their hands to participate in this effort. 3) The key to success is in continuing to evaluate and improve the rule moving forward.
- Alexis Schwartz, of the Sierra Club, expressed concern about the record number of poor air quality days, and this rule is important to sustaining the agriculture systems. If passed, Colorado will lead the nation as only a handful of states have taken such steps. Reduced emissions, reduced health costs, and more ambitious targets are needed to meet the targets. She is glad to see that that the rule requires CDOT to take responsibility when it comes to investments in transportation infrastructure. Urges the TC to pass and implement the rule as soon as possible.
- Martha Roskowski, Natural Resources Defense Council, encourages adoption of the rule today as it will reduce GHG by making it easier for people to bike, walk or take transit. This rule also brings economic benefits. She would like to see stronger targets and stronger equity measures, but it is a good first step.
- Benedict Wright, Denver County resident and previous El Paso County resident, encourages a stronger rule than the current draft, but asks that TC at least pass the rule as is without further watering it down. Even in Denver, it's difficult to get around for people like him without cars. Land use and subsidizing road expansions is what is leading to the problem. This rule is insufficient, but still a necessary rule. He supports passage of the rule.
- Kevin Matthews, of 350 Denver and YIMBY Denver, echoed overwhelming comments in support of the rule. Noted that it is important to redirect money from what doesn't work to what does. Namely, from subsidizing highway expansions and sprawl to denser more walkable communities. This rule will reduce

pollution and enable a healthier and happier public. He also noted that it's cheaper than expanding highways. Bike lanes and better sidewalks are expensive, but still only a fraction of road projects. Also asked that money be redirected to local communities to improve multimodal infrastructure.

- Pete Vanhueven, Government Relations Director of Bicycle Colorado, represents the 3.2 million Colorado residents that ride bikes. Urges TC to adopt the rule. Thanked CDOT for all of the work on this rule. Every bike trip that replaces a vehicle trip improves air quality. Providing access to more services within a distance of 2 miles or less is important for promoting bike travel where people depend on safely reaching destination on bicycle. Increasing these opportunities will contribute to the economic health of the state. The rule recognizes that there still may be a need to improve the road, but it's important to focus on reducing VMT, and debunking the theory that widening roads reduces traffic or air quality issues. Equitable implementation of the rule will shift travel behaviors and reduce dependency on vehicles, which will serve everyone in Colorado.
- Jenny Gaeng, Conservation Colorado Transportation Advocate, congratulated CDOT and TC on their work on this rule. She reminded TC that still more work to be done. Coloradans want swift and decisive action to protect public health. Testimony from 10 public hearings attests to the broad support for this rule. Crucial to set a new standard going forward taking steps to update the 10-year Plan and mitigation measures piece of the rule. Important to continue to advocate for targeted investments and bolder strategies to reduce VMT, and to give people freedom to travel as they choose.
- Mike Silverstein, Executive Director of the Regional Air Quality Council (RAQC), encourages adoption of the rule and pointed out that the RAQC has provided more extensive written comments. RAQC believes that mandatory action is necessary, and the climate crisis is real. CDOT's proposal effectively establishes quantitative reduction targets that will drive emissions reductions beyond what will come by default as a result of technology. Urges adoption of the rule, and congratulates staff on their collaborative efforts.
- Molly McKinley, Denver Streets Partnership, Policy Director, echoed the previous supportive comments expressed, and asked that TC vote to adopt this rule today. The transportation sector is the single biggest contributor to emissions, and this rule is a good step in the right direction.
- Jill Adler Granor, of the Boulder Chamber of Commerce, thanked CDOT for work initiated through SB260. Supportive of the incentives included to invest in multimodal transportation options. The benefits are clear. Investment in multimodal transportation provides safety improvements, and economic benefits as ample research attests. In response to some comments that the rule takes too much of a one-size fits all approach, she pointed out that there is sufficient flexibility provided in this rule to effectively meet the rule in a broad set of contexts. Believes that Colorado can expect to see significant benefits from this rule including reduced time spent in traffic, and more compact housing. Therefore, she supports adoption of this rule.
- Marie Venor, of the Small Business Alliance and a host of other organizations commented that much more needs to be done, but is supportive of the rule. In response to comments from CCA regarding the 10-year Plan moving forward, she said that the rule should require that all projects be re-evaluated. She pointed out fairness issues as well with how spending is occurring as a huge portion of communities that don't drive are ignored by systems that funnel money to road expansion. We need car sharing pilots in rural areas, need to build out safe protected travel ways to encourage biking. 2013 research shows that it can be provided. Proper rather than misleading analysis requires looking ahead to years 5-10 of the plan. The more these solutions are built out the better off we all are. Let this rule ensure that these alternatives are built out.
- Written comments from the General Assembly Democrats, Tamara Ward Executive Director of MOVE Colorado, a joint business letter from 13 chambers of commerce and 2 trade associations, and the boulder chamber of commerce letter were entered into the record.

Comments of the Chair and Individual Commissioners

- Commissioner Stuart thanked her fellow ad hoc subcommittee members and Transportation Commissioners for all the hard work on this rule. They have worked diligently, and the process has been transparent where they heard from hundreds of stakeholders. She believes the rule is a good compromise, and a good start that strikes the right balance. Transit, biking and walking is what needs to

be the focus, and so needs the public to use the measures that we are going to be investing in. Needs to complete the transit network around state, so that this option is increasingly available around the state. Appreciates all the robust comments on the rule.

- Commissioner Adams had no comments.
- Commissioner Hart noted that his heart goes out to all those who suffered during yesterday's windstorm, and thanked CDOT staff for their work keeping roads open in such an event. With regard to the GHG rules, he thanked staff, fellow commissioners and the ad hoc committee for all their hard work and careful consideration of this rule. Looking forward he looks forward to working on the guidance manual for mitigation measures. He is proud that Colorado is taking the lead on this rule, and is pleased with all the comments from the public, and part of them have been showing how successful outreach and collaboration was in this effort. Attempt to be the fine balance to address safety and efficiency issues. Balance this out with things we need to do differently in order to reduce GHG emissions, so there is a lot of work to do. Put this out there and see what happens. Need to monitor the impact of these rules and talk about fine tuning. I'm inclined to go further than rule currently goes, but needs to see what works and what doesn't. Pleased to see legislative leaders address us and thank them for providing leadership to take on this difficult fight. He thanked the legislative leaders for giving the TC the opportunity to be part of the GHG effort.
- Commissioner Holguin thanked the stakeholders for all of the thoughtful input on the GHG rule. She noted that while it is not a perfect rule, it is a step in the right direction. All of the hard work ahead was acknowledged, but we can do it together. Cheers to work moving forward.
- Commissioner Vasquez - thanked the public for offering their opinions on the GHG rule. As a member of the subcommittee working to bring the rule forward, she is aware that this rule doesn't satisfy everyone, but stressed that they have listened to all comments and taken them into account in considering the rule.
- Commissioner Garcia noted the historic significance of the GHG rule. He expressed excitement with the opportunity to take action on this rule. He noted what monumental task the GHG rule has been, and looks forward to taking action. He is busy staying active in the district. He attended the Southwest TPR meeting where they looked at the remaining projects on the 10-year Plan, and made some introductions to the local scenic byways committee. He thanked CDOT staff for all their work dealing with climate challenges.
- Commissioner Hickey thanked the community members for all their contributions to the South Gap project completion. She noted that safe speeds have been an issue. She thanked Colorado State Patrol for working to keep speeds safe on those roads. She thanked Region 2 staff for meeting with the community regarding the SH 15 project. She thanked CDOT staff for the tireless efforts on the GHG rule, with a special thanks to Erik Sabina, Rebecca White, Jamie Grim and Herman Stockinger. She was humbled to work on the ad hoc committee with all of the expertise and co-leadership on that committee. She thanked the public for such thoughtful input, and noted that the rule is a compromise and reflects a lot of consideration and response to the input that was received.
- Commissioner Bracke noted what a historic and transformative process the GHG rulemaking has been. She thanked the public and stakeholders for providing input, and echoed the supportive comments of fellow commissioners. She called attention to all the great work that was occurring in CDOT Region 4, where they have done a phenomenal job at moving the I-25 improvements forward with tremendous progress. She noted that Region 4 had great meetings over the last month in helping to identify projects for the 10-year Plan. Related to funding, she acknowledged all the outreach Jamie Grim has been doing on the new federal bill. She is very optimistic about moving forward given the new funding opportunities.
- Commissioner Beedy will comment on the GHG rule later on in the agenda. He attended an Eastern TPR meeting this month where they discussed the 10-year Plan. It was noted that the eastern plains is short on water. When discussing transportation impact to the climate, its important to note that cotton that is produced in U.S is exported to India to be processed, and there are no longer any textile mills in the U.S, and wished that they would have the same push to bring those processes back locally given all the supply chain disruptions. He expressed hope that bringing these processes back in closer proximity to produce things locally.

- Commissioner Stanton (Vice Chair) thanked the environmental advocates and officials such as Ms. Lara for giving such important input, and this is a great example of collaborative public policy. This rule is a beginning, and there is an opportunity to reopen rule and adjust it as needed. The point is that we are trying to improve the environment, and trying to be sensitive to the need to integrate the targets with safety and mobility projects, and knows that staff is working very hard to balance this.
- Commissioner Hall (Chair) attended the Intermountain TPR meeting earlier this month, and noted that they have a number of really good projects that are closing up for the winter, including Little Blue Canyon that, and it's just incredible to see all the progress. Expressed appreciation to everyone that submitted public comments during the GHG rulemaking process.

Executive Director's Management Report (Shoshana Lew)

- Executive Director Lew commented on how incredible was to hear so many diverse voices who took time to dig into the issues surrounding the GHG rule, and it was really enlightening to hear about why the rule matters to them. She thanked everyone who took so much time to contribute to this rule through this process.
- Welcomed Marsha Nelson, who joins CDOT to set up environmental equity branch at CDOT at the direction of SB260.

Chief Engineer's Report (Steve Harelson)

- He is excited to have Marsha Nelson on the team, and she will be involved in many CDOT elements.
- He gave an update on Floyd Hill procurement. They are Midway in getting Construction Manager/General Contractor (CMGC) contractor and design consultant on board, and the winners of those two contracts will be announced in the next month or so.
- Chief Engineer's book club is called the Simple Science of Flight by Hank Tenecous, the father of computational fluid dynamics used in modeling. The book really does a great job at highlighting the limits of modeling chaotic phenomenon. This book looks at the evolution of flight and how different efficiencies occur. Compares the economic and fuel efficiency to cars, horses, and bumble bees.

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

- At the direction of the board, they drafted a letter to move ROADIS into phase 2 of the unsolicited proposal phase. They have incorporated all the comments, and are getting ready for an internal review today or tomorrow, and hope to have it out by the beginning of the year.

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

- He noted that safety is a big area of concern as fatalities are up, already exceeding the 2020 number. It is no consolation that we are seeing the same trend nationally.
- Colorado has been identified as a focus state with regard to intersection crashes because our crashes at intersections are higher than one would expect for our traffic volumes.
- With regard to the federal infrastructure bill, FHWA has determined apportionment, and will be able to provide \$750 million to Colorado, but because of an obligation limit, Colorado can only spend \$193 million of that.
- Commissioner Bracke asked if the TC could get an update on the intersection report to understand how it ties together with CDOT safety initiatives for 2022.
- Commissioner Vasquez asked for more information about the percentage of intersection crashes that involve bikes or pedestrian fatalities. John Cater responded that Colorado was not a focus state for bike and pedestrian crashes.

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

- No STAC report today because STAC was canceled, so wished everyone a Merry Christmas and Happy New Year.

Act on Consent Agenda – Passed unanimously on December 16, 2021. Motion by Commissioner Beedy, and Second by Commissioner Stuart.

- Proposed Resolution #1: Approve the Regular Meeting Minutes of November 18, 2021 (Herman Stockinger)
- Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
- Proposed Resolution #3: Disposal: Parcel 1-EX Town of Monument (Richard Zamora)

Discuss and Act on Proposed Resolution #4: 6th Budget Supplement of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Garcia, and Second by Commissioner Hart – Passed unanimously on December 16, 2021.

- The 6th budget supplement includes a request to increase the construction phase budget for a project in Region 3 at CO82 Aspen Airport Business Center to Aspen, and is increasing the repaving budget to \$2.8 million. This will increase the project budget from \$3.8 million to \$6.6 million. Feedback from bidders say that the remote location and inability to acquire gravel locally reduced the number of bids and increased the bid amount. Region 3 does not think re-advertising will make a difference, so requesting to increase budget to give to lowest bidder.

Discuss and Act on Proposed Resolution #5: 5th Budget Amendment of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Adams, and Second by Commissioner Stanton – Passed unanimously on December 16, 2021.

- The 5th Budget Amendment includes 2 requests. The first is to transfer \$4 million from strategic projects line 18 to HTPE Operations line 90 to execute a loan between CDOT and HTPE under the toll loan financing agreement. The funds are coming from the Central 70 project. The second request relates to a resolution you will be approving later in the agenda to increase the full-time employee (FTE) cap to cover additional budget needs for the new positions.

Discuss and Act on Proposed Resolution #6: Approval of Air Pollution Mitigation Enterprise Loan (Jeff Sudmeier) – Motion by Commissioner Stuart, and Second by Commissioner Stanton – Passed Unanimously on December 16, 2021.

- There are two resolutions (Resolution #6 and Resolution #7) to authorize CDOT to enter into loan agreements assuming the enterprises also approve the loan agreement to the clean transit enterprise and the nonattainment enterprise. After the loan is ratified, there will be another action to move the funds. This is to cover the operations and set up of the new enterprises prior to SB 260 revenues begin.

Until revenues commence from SB 260 there will be costs that can't be covered due to TABOR, so there is a need to enter into a loan, which is stipulated in SB 260.

- Karen Stuart commented on how Broomfield had to do a similar loan in 2001 when the legislature created the county.

Discuss and Act on Proposed Resolution #7: Approval of Clean Transit Enterprise Loan (Jeff Sudmeier) – Motion by Commissioner Stuart, and Second by Commissioner Stanton – Passed Unanimously on December 16, 2021.

- Moved to approve Resolution #7 for Clean Transit Enterprise. See above for more details regarding loans to establish SB 260 enterprises.

Discuss and Act on Proposed Resolution #8: Approval of FTE Cap Request (Jeff Sudmeier) – Motion by Commissioner Hart, and Second by Commissioner Bracke – Passed Unanimously on December 16, 2021.

- Resolution #8 is will add 109 positions to the FTE cap. The number of new FTEs was developed through a process with the Regional Transportation Directors (RTDs) to identify program needs in response to new legislation such as SB 260. Per policy directive 730.0 requires TC approval to increase the number of FTEs. This resolution adds 109 FTE bringing the new total up to 3,453 FTEs.
- Commissioner Beedy commented that this will save CDOT on contractors, so this will provide cost savings.
- Commissioner Vasquez added that this will improve their ability to deal with contractors by bringing more talent in house.
- Commissioner Garcia asked about how this relates to the number of vacancies.
- Jeff Sudmeier indicated that they always have some vacancy savings, which will help to cover costs of the new FTEs, and typically if vacancy savings are remaining, they are rolled forward where they get reprogrammed or stay to be used in current program.

Discuss and Act on Proposed Resolution #9: Approval of Advancement of Year 4 Rural Paving Projects (Marissa Gaughan) – Motion by Commissioner Vasquez, and Second by Commissioner Garcia– Passed Unanimously on December 16, 2021.

- 3 critical rural paving projects that were previously approved would be advanced to ensure that they go to construction in the upcoming season.

Discuss and Act on Proposed Resolution #10: Approval of MMOF Match Reduction (Amber Blake) – Motion by Commissioner Bracke, and Second by Commissioner Vasquez – Passed Unanimously on December 16, 2021.

- This proposal entails a small change to the Multimodal Transportation Options and Mitigation Fund (MMOF) match reduction formula from the original 2018 formula based on feedback from staff and stakeholders. The new recommended formula shifts evaluation of match reduction requests on the following criteria: median household income, median home value, poverty rate, and percent population over 65 to ensure that the most disadvantaged counties in need can request match reduction. These rates will apply to all applications approved after this formula.
- Commissioner Hickey thanked staff for all the additional information provided since last month on this topic. She supports these changes and looks forward to reviewing once the impacts are seen
- Commissioner Stanton echoed Commissioner Hickey's comments.

Discuss and Act on Proposed Resolution #11: Adoption of 2CCR 601-22 Rules Governing Statewide Planning Process and Transportation Planning Regions (Herman Stockinger) – Motion by Commissioner Hickey, and Second by Commissioner Vasquez – Passed with one no vote from Commissioner Beedy on December 16, 2021.

- As background, this process involved a year of work, 10 public hearings, several TC workshops, and hundreds of public comments to bring these rules governing the statewide planning process initiated by SB 260, which directed TC to take steps to ensure planning process reduces GHG emissions. The hearing officer presiding over the public hearing process has made the following findings:
 - All requirements of the Administrative Procedures Act have been satisfied
 - There is sufficient evidence to support adoption of the proposed rules
 - The TC has the authority to adopt the proposed changes
- Rebecca White, Director Lew, Theresa Takushi, Jamie Grim, Natalie Lutz, Natalie Shishido, Andy Karsian, Commissioner Stuart, Commissioner Hickey, Commissioner Vasquez, and the ad hoc committee were all recognized for the hard work on the rule. He expressed appreciation for the volume of public comments. The rule will be filed tomorrow at the secretary of state's office.
- He indicated that some minor changes have been made to clarify the language, and also took some additional suggestions from Commissioner Bracke. These most recent changes have been highlighted in yellow.
- Commissioner Hall commented on what a valiant effort this has been from Executive Director Lew who has done an amazing job of balancing the pressure coming from both sides. She appreciates how Executive Director Lew was able to bring the rule to the TC rather than the RAQC, and also expressed appreciation for the work from Rebecca White and the ad hoc committee members for all of their work. She noted that the comments from Commissioners have been excellent, and she noted what a difficult decision this was for her because it is such a big change for Colorado, and because there are some parts of it that she disagrees with. However, despite having a difficult time with some of it she still intends to support it given all the hard work that has gone into it and all the support for the rule. She really hopes that it helps the economic development of the state, and that the concerns of business community can be put to rest.
- Commissioner Bracke acknowledged the transformative work from staff, and said that it is incredible to be at this juncture today. She thanked all of the participants who weighed in, and appreciates all of the input and collaborative effort. She noted that while it is not perfect, it's a great start and appreciates the balanced approach bringing all perspectives together. She noted that it takes a pragmatic and workable approach with lots of room for flexibility for the diverse communities impacted by the rule. She believes that going forward they will learn a lot, but that it is urgent to get started on this now, and can't afford to wait for a perfect rule. She noted how helpful it was to get the most recent input bringing to light the economics of the rule as bad air quality is bad business, and the Colorado economy is inextricably linked to the environment, so she is excited to move forward into implementation.
- Commissioner Stanton appreciates all the public outreach efforts, and emphasized that the ad hoc committee will continue onward to help with implementation and the interagency process. This is the beginning, and not the end. There will be more chances to consult and learn, and feels proud of all the public comments received and acted on.
- Gary Beedy: Appreciates all the work from the entire team, and all the public outreach and the work to balance the different views and needs statewide. He noted that there is only so much that CDOT can do with the limited funds. A lot of the new fees are going to local communities, so a lot of the burden of achieving these goals lies with local communities, and they really bear the brunt of the planning and serving the neighborhoods. CDOT is the interconnecting web, so they do not serve the neighborhoods directly. It's really going to come down to local communities to take steps to lower emissions. CDOT promotes scenic byways, but that encourages more VMT and that supports the economy. We need to support cleaning up air-quality, but also need to balance those needs with economy and need to make sure we are balancing that appropriately. There is a shortfall when it comes to maintaining the system we have. This really is a big problem and need more money each year to maintain the existing system. The 10-year Plan and infusion of money is helping to offset that, but the overall maintenance is still falling short. Local communities need to step forward on their own to meet those needs as CDOT is still woefully underfunded on transportation system. It is important that the votes today on this rule adequately reflect that some of Colorado's communities will be negatively impacted by this rule, so he intends to vote against this rule to represent those communities. Clarified that his vote against the rule is not because he is opposed to air quality measures, but because he thinks this approach is too heavy handed.

- Commissioner Adams expressed appreciation for all of the hard work by CDOT staff and the ad hoc committee. Understands the unprecedented nature of efforts to get lots of public input, and appreciates the efforts to ensure DI communities are considered in the process. He is proud to be a part of this rulemaking effort and understands it isn't perfect, but it is a tremendous step forward, and plans to support the rule.
- Commissioner Garcia mentioned that he read an article about a new federal house bill that is proposing new national emissions standards, which was originally part of the \$1.2 trillion infrastructure bill. Believes approval of the GHG rule positions Colorado well to be able to obtain federal funding given the current work at the federal level to impose additional emissions standards. Is hopeful that this rule will allow Colorado to lead other states down a similar path.
- Commissioner Stuart said that she really appreciates all the language changes in rule documents, and reiterated that she understands that nobody in their right mind would promote highway expansion that turns Colorado into California, but in some cases there might be needs for small and targeted expansion, and so she appreciates the language that allows for capacity improvements to happen with mitigation, but also requires that those mitigation considerations need to be evaluated for safety and induced demand. She will be voting yes
- Commissioner Holguin thanked Commissioner Bracke for pointing out the connection between climate action and economic growth. She does not think that this rule goes far enough, and noted there is a lot of work ahead, but intends to vote yes on the rule.
- Commissioner Hickey really appreciates all the input from commissioners, and noted how much she was able to learn in this process, and was pleased with what a collaborative effort this was and reiterated how carefully all of the input was considered to put forward a sound rule.
- Commissioner Hart has no further comments, and intends to support the rule. He noted that this rule needed to happen 10 years ago, so the faster we get this implemented the better, and anything that is problematic we can deal with it as it comes up.
- Commissioner Vasquez expressed appreciation for all of the engagement from stakeholders and noted that while the rule isn't perfect, she sees this as the first step in an iterative process that will take the state towards its climate goals out to 2050. Hopeful that the rule will continue to become better.
- Commissioner Hall offered a reminder that SB260 required this rulemaking process, and that it was fortunate that occurred through the TC instead of the RAQC. She noted what a phenomenal outreach effort this was. While staff went to great lengths to get public input, it is important to recognize that the rule is so complicated that a lot of people are left out because they don't know how to comment on such a technical rule. She anticipates that there will be lawsuits that result from this rule.
- Roll call vote: 10 yes votes, and 1 no vote from Commissioner Beedy.

Recognitions:

- None

Other Matters:

- None

Meeting Adjourned at: 11:57



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: January 5, 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 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





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: STEPHEN HARELSON, P.E. CHIEF ENGINEER
DATE: JANUARY 6, 2022
SUBJECT: DISPOSAL OF PARCEL 38 REV-EX US40 AND AIRPORT BLVD

Purpose

CDOT Region 1 is proposing to dispose of ~12,334 square feet (0.283 acres) of right of way that is no longer needed for transportation or maintenance purposes. The property will be conveyed at fair market value in accordance with (C.R.S) 43-1-210(5).

Action

CDOT Region 1 is requesting a resolution approving the disposal of ~12,334 square feet (0.283 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

Parcel 38 Rev was acquired in 1953 as part of project F_005-4(3). The plan sheets from the project say the parcel was acquired for “current and future right of way purposes”. A portion of the original parcel is being used for right of way and will be continued to be owned by CDOT. There is a small portion of the original acquisition parcel that has never been used for right of way. Region 1 has determined the small portion of the original parcel will also not be needed for right of way or maintenance purposes in the foreseeable future and determined it can be sold. The parcel that will be sold has been legally described and defined as Parcel 38 Rev-EX. The parcel only has value to one adjacent owner and will be sold to that owner for fair market value in accordance with C.R.S. 43-1-210(5)

Next Steps

Upon approval of the Transportation Commission, CDOT will convey Parcel 38 Rev-EX in accordance with C.R.S. 43-1-210(5) and 23 CFR 710.403. CDOT will execute a quitclaim deed to convey the subject property in exchange for fair market value. The deed will be recorded in the office of the Adams County Clerk and Recorder. Funds from the disposal shall be disbursed in accordance with Section 7.2.15 of the CDOT Right of Way Manual.

Attachments

Exhibits Depicting the Disposal Property



**COLORADO DEPARTMENT OF TRANSPORTATION
REAL PROPERTY**

TO BE CONVEYED

Parcel Number: 38 Rev-EX

FROM

Colorado Department of Transportation
2829 W Howard Pl.
Denver, CO 80204

TO

Quiktrip Corporation
4705 South 129th East Avenue
Tulsa, OK 74134-7005

FOR

Project Number: F005-4 (3)
Location: US Highway 40 and N Airport Blvd.

EXHIBIT "A"

PROJECT NUMBER: F005-4 (3)

PARCEL NUMBER: 38 REV-EX

DATE: SEPTEMBER 20, 2021

DESCRIPTION

A tract or parcel of land No. 38 Rev-EX of the Department of Transportation, State of Colorado, Project Number F005-4 (3), containing 12,334 square feet (0.283 acres), more or less, in Section 32, Township 3 South, Range 66 West, of the 6th Principal Meridian, in Adams County, Colorado, being a portion of Parcel 38 Rev. of Project No. F005-4 (3) as described in the instrument recorded September 15, 1953, in Book 475, Page 221 in the office of the Clerk and Recorder for the County of Adams, State of Colorado, lying within the Southeast quarter of Section 32, Township 3 South, Range 66 West of the Sixth Principal Meridian, in the city of Aurora, County of Adams, State of Colorado, said tract or parcel being more particularly described as follows:

Commencing at the Southeast corner of said Parcel Number 38 Rev from which the Southeast corner of said Section 32, T3S, R66W, bears South 68°00'00" East, a distance of 107.70 feet;
Thence North 00°08'30" East a distance of 70.00 feet;
Thence North 89°48'30" West, a distance of 610.20 feet to the Point of Beginning;
Thence along the northerly line of said Parcel 38 Rev. as described in Book 475, Page 221 the following three (3) courses:

- 1) North 29°48'30" West, a distance of 140.00 feet;
- 2) North 89°48'30" West, a distance of 24.00 feet;
- 3) South 33°31'00" West, a distance of 149.90 feet;

Thence North 88°53'23" East, a distance of 176.40 feet to the Point of Beginning.

The above parcel contains 12,334 square feet (0.283 acres), more or less.

Basis of Bearings: All bearings are based on the East line of the Southeast one-quarter of Section 32, Township 3 South, Range 66 West of the Sixth Principal Meridian, between the Southeast corner of Section 32, as established by utilizing the found accessory ties, being a 3 inch brass cap stamped "CITY OF AURORA 1991 LS 16419" in monument box, and the found East one-quarter corner of Section 32, being a 3 inch brass cap stamped "CITY OF AURORA LS 23527" in monument box, which bears North 00°03'18" East, a distance of 2650.63 feet.

Jesus A. Lugo, PLS 38081

Colorado Licensed Professional Land Surveyor
for and behalf of Altura Land Consultants, LLC
6950 South Tucson Way, Unit c
Centennial, Colorado 80112

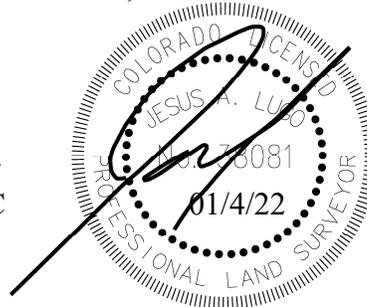
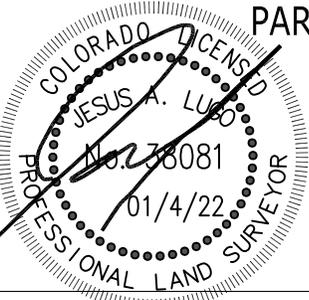
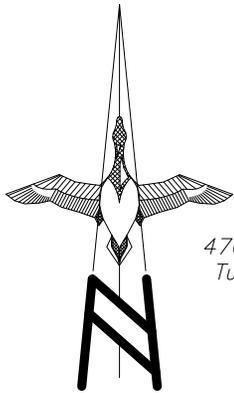


EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION
 PARCEL 38 REV-EX, PROJECT NUMBER F005-4(3)



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°08'30"E	70.00'



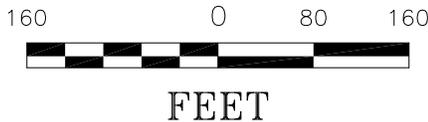
SE 1/4 SECTION 32
 T3S, R66W, 6TH P.M.

Assessed Owner:
 Quiktrip Corporation
 4705 South 129th East Avenue
 Tulsa, Oklahoma 74134-7005

Parcel No. 0182132400005
 Special Warranty Deed
 Rec. No. C0915616

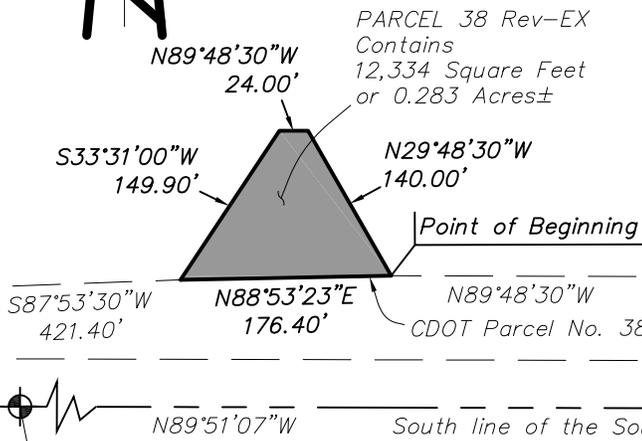
Parcel No. 0182132400007
 Special Warranty Deed
 Rec. No. 2020000110472

GRAPHIC SCALE



FEET

Southeast corner Book
 475, Page 221 & Point
 of Commencement



HIGHLINE CANAL (100' R.O.W.)

NORTH AIRPORT BOULEVARD
 (PUBLIC R.O.W., WIDTH VARIES)

East line of the Southeast 1/4 of Section 32
 (Basis of Bearings)
 2650.63'

East 1/4 corner of Section 32
 Found 3" brass cap stamped
 "CITY OF AURORA LS 23527
 1991" in monument box

S87°53'30"W
 421.40'

N88°53'23"E
 176.40'

N89°48'30"W
 610.20'

N89°51'07"W

South line of the Southeast 1/4 of Section 32

2643.72'

EAST COLFAX AVENUE (PUBLIC R.O.W., WIDTH VARIES)

South 1/4 corner of Section 32
 Found 3" brass cap stamped "CITY OF
 AURORA PLS 19614 1987", in monument box.

Southeast corner of Section 32
 Location established by utilizing the accessory
 ties per the Colorado Land Survey Monument
 Record accepted 11/11/2002

Basis of Bearings: All bearings are based on the East line of the Southeast one-quarter of Section 32, Township 3 South, Range 66 West of the Sixth Principal Meridian, between the Southeast corner of Section 32, as established by utilizing the found accessory ties, being a 3 inch brass cap stamped "CITY OF AURORA 1991 LS 16419" in monument box, and the found East one-quarter corner of Section 32, being a 3 inch brass cap stamped "CITY OF AURORA LS 23527" in monument box, which bears North 00°03'18" East, a distance of 2650.63 feet.

NOTE:
 THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. THE PURPOSE OF THIS EXHIBIT IS SOLELY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.



SHEET 2 OF 2

JOB NO. 20523

DATE: 09/20/21

6950 S. Tucson Way, Unit C Centennial, CO 80112 Phone: (720) 488-1303

SCALE: 1" = 160'



Market St

Airport Blvd

Airport Blvd

E Colfax Ave

E Colfax Ave

Proposed Disposal Portion:
Parcel 38Rev-EX
12,334 SqFt. (0.283 acres)

Parcel 38Rev



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: STEPHEN HARELSON, P.E. CHIEF ENGINEER
DATE: JANUARY 6, 2022
SUBJECT: DISPOSAL OF PARCEL 835-EX LOGAN AND AIRBUCHTEL

Purpose

CDOT Region 1 is proposing to dispose of ~1,012.68 square feet (0.023 acres) of right of way that is no longer needed for transportation or maintenance purposes. The property will be conveyed at fair market value in accordance with (C.R.S) 43-1-210(5).

Action

CDOT Region 1 is requesting a resolution approving the disposal of ~1,012.68 square feet (0.023 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

Parcel 835 was acquired in 1957 as part of project U.I.002-2(43). This project acquired property for what was then called US 85 and is now I-25. In particular, this parcel was acquired for Buchtel Boulevard right of way. Buchtel Boulevard is now a City and County of Denver Street. A small sliver of parcel 835, that does not border any CDOT ROW, only City Streets is not needed for current or future transportation or maintenance needs. The small sliver of parcel 838 that is not needed has been legally defined and named Parcel 835-EX. The parcel only has value to one adjacent owner and will be sold to that owner for fair market value in accordance with C.R.S. 43-1-210(5).

Next Steps

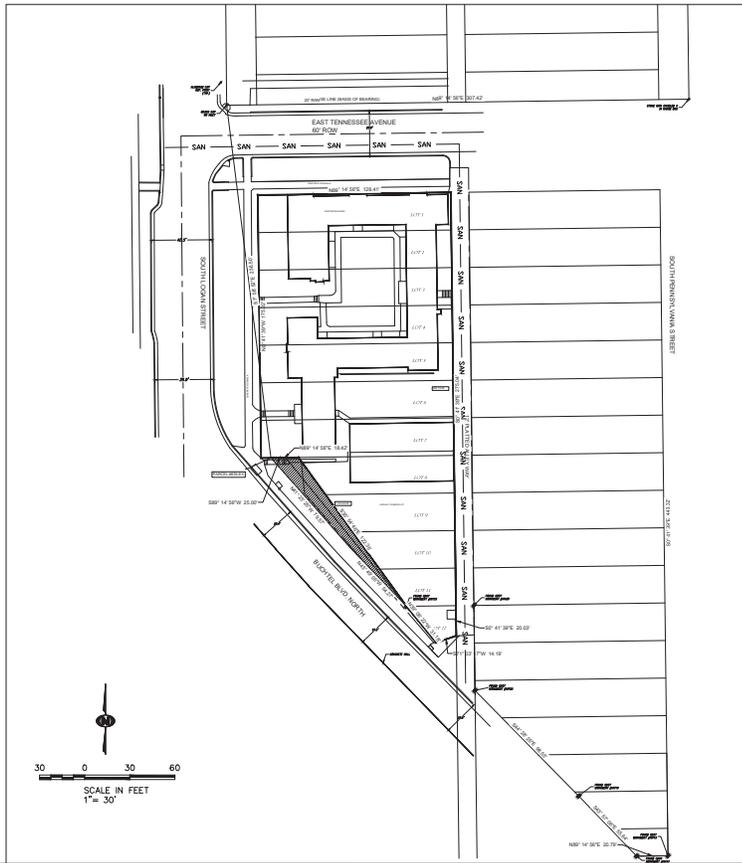
Upon approval of the Transportation Commission, CDOT will convey Parcel 835-EX in accordance with C.R.S. 43-1-210(5) and 23 CFR 710.403. CDOT will execute a quitclaim deed to convey the subject property in exchange for fair market value. The deed will be recorded in the office of the Denver County Clerk and Recorder. Funds from the disposal shall be disbursed in accordance with Section 7.2.15 of the CDOT Right of Way Manual.

Attachments

Exhibits Depicting the Disposal Property



ROW DISPOSAL EXHIBIT
 A PORTION OF THE SE 1/4 OF SECTION 15, T4S, R68W of the 6th P.M.
 CITY AND COUNTY OF DENVER, STATE OF COLORADO



LEGAL DESCRIPTION PARCEL 4855-54

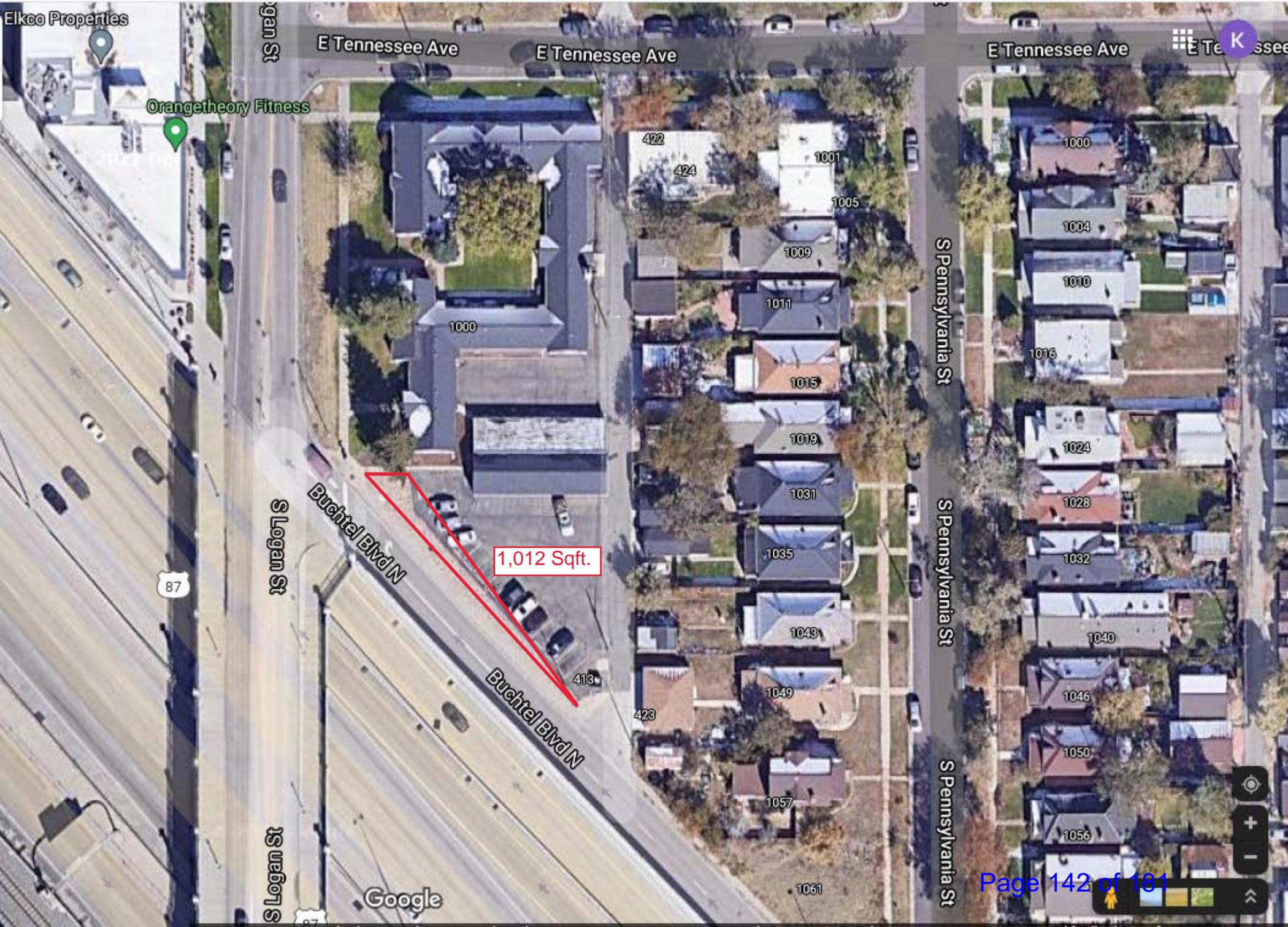
A parcel of land located in the SE 1/4 of Section 15, T4S, R68W of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:
 Commencing at the Southwest range point for Block 16, Lincoln Subdivision from whence the Southeast range point of said Block 16 bears N 89°14'56" E a distance of 307.42 feet, said line forming the Basis of Bearing for this legal description. Thence S 0°08'32" E a distance of 236.50 feet to a point on the south line of Lot 7 of said Lincoln Subdivision, and the Point of Beginning.
 Thence N 89°14'56" E along the south line of said Lot 7 a distance of 18.42 feet to a point on the northeasterly right-of-way for North Buchanan Blvd.
 Thence S 33°54'45" E along said northeasterly right of way line of North Buchanan Blvd. a distance of 122.35 feet to a found CDOT right-of-way monument No. 16133.
 Thence N 41°32'25" W a distance of 54.37 feet to a point.
 Thence N 41°32'25" W a distance of 78.57 feet to the Point of Beginning, containing 1,042.68 square feet or 0.023 acres, more or less, City and County of Denver, State of Colorado.
 These legal descriptions were prepared for and on behalf of Souder Miller & Associates by Francis Gordon Kuerni, PLS 37955, on May 24, 2021.



	Souder, Miller & Associates Engineering • Instrumental • Surveying 5410 Woodland Avenue, Suite 110 Denver, Colorado 80231 www.soudermiller.com Serving the Southwest & Rocky Mountain States
	CITY OF DENVER COURTYARD IMPROVEMENT SURVEY PLAT 1000 SOUTH LOGAN STREET DENVER, CO
FGK Date: September 2021 Scale: Final Project No: Sheet:	FGK FGK

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T:\3-Reilly 1000 S Logan ILS (2020975)\Survey\01-DWG\ISP DRAWING 4 W ROW VACATION revised.dwg, 9/23/2021 8:28:14 PM PKUJENN



E Tennessee Ave

E Tennessee Ave

E Tennessee Ave

Orangetheory Fitness

S Logan St

Buchtel Blvd N

1,012 Sqft.

Buchtel Blvd N

S Pennsylvania St

S Pennsylvania St

S Pennsylvania St

Google

Page 142 of 181



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: JANUARY 20, 2022
SUBJECT: SEVENTH BUDGET SUPPLEMENT - FY 2021-2022

Region 4

\$716,742 - **Bridge Construction - CO-7 Boulder Polyester Overlay**- Request additional funding to award project 22495. The increase cost is particularly due to higher than estimated pricing across the lowest bidders of a necessary temporary structure.

CO-7 Boulder Polyester Overlay
Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Original Budget	Funding Request				Revised Budget	Expended To-Date
			Previous Adjustments	Current Request	Total Adjustments	Total Adjustment Percent		
Construction	Bridge Construction	\$3,000,000	\$0	\$716,741	\$716,741		\$3,716,741	\$0
	Total Construction	\$3,000,000	\$0	\$716,741	\$716,741	24%	\$3,716,741	\$0
	Total Project	\$3,000,000	\$0	\$716,741	\$716,741	24%	\$3,716,741	\$0

Per Policy Directive 703.0, this project is being included in the Budget Supplement as an increase of greater than 15% of the original budget and greater than \$500,000.

Region 4

\$2,000,000 - **National Highway Freight - CO-79 Over I-70 Bridge**- Per recommendation of the Freight Advisory Committee, select this project for funding and inclusion in the FY22 Freight Investment Plan.

This funding will be used for the design phase and assist the Town of Bennett making bridge improvements to improve access to additional truck parking spaces as part of a larger Truck Parking Public Private Partnership project. The funding is made up of previous project savings as well as unallocated FY22 budget.

Per Policy Directive 703.0, this project is being included in the Budget Supplement as a use of funds greater than \$500,000 toward a project not previously approved as part of the Freight Investment Plan.

For more information refer to the memo included in the Freight Subcommittee presentation of this month's Transportation Commission packet.



**Transportation Commission Contingency Reserve Fund Reconciliation
Seventh Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	Balance 12S21		\$48,025,918	
July-21	Balance 1S22		\$48,043,920	
August-21	Balance 2S22		\$31,971,890	
September-21	Balance 3S22		\$31,971,890	
October-21	Balance 4S22		\$31,971,890	
November-21	Balance 5S22		\$31,973,906	
December-21	Balance 6S22		\$31,900,607	
January-22	State match for ER permanent repair projects	\$ (20,715)		
	Pending Balance 7S22		\$31,879,892	

**Transportation Commission Contingency COVID Reserve Fund Reconciliation
Seventh Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	Balance 12S21		\$1,000,000	
July-21	Balance 1S22		\$1,000,000	
August-21	Balance 2S22		\$1,000,000	
September-21	Balance 3S22		\$1,000,000	
October-21	Balance 4S22		\$1,000,000	
November-21	Balance 5S22		\$1,000,000	
December-21	Balance 6S22		\$1,000,000	
January-22	Pending Balance 7S22		\$1,000,000	

**Transportation Commission Program Reserve Fund Reconciliation
Seventh Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	Balance 12S21		\$17,558,266	
July-21	Balance 1S22		\$17,199,014	
August-21	Balance 2S22		\$16,199,014	
September-21	Balance 3S22		\$16,199,014	
October-21	Balance 4S22		\$46,692,784	
November-21	Balance 5S22		\$46,692,784	
December-21	Balance 6S22		\$45,992,784	
January-22	Pending Balance 7S22		\$45,992,784	

**Transportation Commission Maintenance Reserve Reconciliation
Seventh Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	Balance 12S21		\$13,863,597	
July-21	Balance 1S22		\$13,863,597	
August-21	Balance 2S22		\$13,863,597	
September-21	Balance 3S22		\$13,863,597	
October-21	Balance 4S22		\$13,863,597	
November-21	Balance 5S22		\$13,863,597	
December-21	Balance 6S22		\$13,863,597	
November-22	Pending Balance 7S22		\$13,863,597	



Transportation Commission Contingency Reserve Fund
Emergency and Permanent Repairs-Nonparticipating costs and state match

September 11, 2013 Flood Related Monthly Activity

State Reg	Highway	Mileposts	Project Description	County	Total Budget TCCRF
			FEMA Map Revisions for Flood Program	N/A	\$ (20,715)
			Total		\$ (20,715)

Spring 2015 Flood Related Monthly Activity

State Reg	Highway	Mileposts	Project Description	County	Total Budget TCCRF
					\$ -
			Total		\$ -

Grand Total TCCRF Activity for Emergency Relief Since Last Reporting \$ (20,715)



FY 2021-2022 Contingency Reserve Fund Balance Projection		
December		
TC Contingency Balance (Emergencies)	\$32,900,607	
<i>Pending Requests:</i>		
State match for ER permanent repair projects	(\$20,715)	
Pending January		
TC Contingency Reserve Balance	\$32,879,892	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
State Match for Emergency Relief/Permanent Recovery	(\$2,000,000)	(\$5,000,000)
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
I-70 Glenwood Canyon Slides Repayment	\$0	\$10,000,000
Projected FY 2021-2022 YE Contingency Balance	\$30,879,892	\$37,879,892
<i>TCCRF Surplus (Deficit) to Reach \$25M Balance July 1, 2022</i>	<i>\$5,879,892</i>	<i>\$12,879,892</i>

FY 2021-2022 Program Reserve Fund Balance Projection		
December		
TC Program Reserve Balance	\$45,992,784	
<i>Pending Requests:</i>		
No Requests this Month	\$0	
Pending January		
TC Program Reserve Fund Balance	\$45,992,784	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
Reimbursement for US85 Settlement Loan Region 4	\$18,060,000	\$18,060,000
FRPR Loan Repayment	\$1,620,000	\$1,620,000
Projected FY 2021-2022 YE Program Reserve Balance	\$65,672,784	\$65,672,784

FY 2021-2022 Maintenance Reserve Fund Balance Projection		
December		
TC Maintenance Reserve Balance	\$13,863,597	
<i>Pending Requests:</i>		
No Requests this Month	\$0	
Pending January		
TC Maintenance Reserve Fund Balance	\$13,863,597	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
Projected FY 2021-2022 YE Maintenance Reserve Balance	\$13,863,597	\$13,863,597



**Colorado Bridge and Tunnel Enterprise Board
Meeting Minutes
December 16, 2021**

PRESENT: Yessica Holguin, District 1
 Don Stanton, District 2
 Karen Stuart, Chair, District 4
 Kathleen Bracke, District 5
 Barbara Vasquez, District 6
 Kathy Hall, Vice Chair, District 7
 Mark Garcia, District 8
 Lisa Hickey, District 9
 Terry Hart, District 10
 Gary Beedy, District 11

EXCUSED: Eula Adams, District 3

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 and Tunnel Enterprise Board of Directors

- Approved Resolution #BTE1, the minutes from the November Board Meeting
- Approved Resolution #BTE2, 5th Budget Supplement



MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: JANUARY 20, 2022
SUBJECT: SIXTH SUPPLEMENT TO THE FISCAL YEAR 2021-22 BRIDGE AND TUNNEL ENTERPRISE BUDGET

Purpose

This month the Bridge Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve a budget supplement to establish the construction phase for the replacement of structure H-13-A, US 285 over the Middle Fork of the South Platte River in Park County.

Action

Staff is requesting Board approval of Proposed Resolution #BTE-22-01-02, the sixth budget supplement to the Fiscal Year 2021-22 BTE budget

Background

Region 2:

The establishment of the construction phase budget to replace bridge H-13-A as part of the larger US 285 / CO 9 Intersection Improvement Project is being requested. The larger project is a CDOT 10-Year Plan Project located in Region 2 near Fairplay. H-13-A is a BTE eligible, third-tier structure in the July 2021 BTE Bridge Prioritization Plan that is being advanced to construction primarily due to its importance to the intersection improvement project and BTE's ability to capitalize on the economies of scale achieved by replacing the structure as part of the larger project. H-13-A was previously prioritized as a second-tier structure in the January 2021 BTE Bridge Prioritization Plan.

Bridge H-13-A is a two-lane structure built in 1937. It was classified as functionally obsolete due to an NBI Item 68 (deck geometry) rating of 3 and has a sufficiency rating of 49.8. Although the bridge is not currently rated "poor", it is eligible for BTE funding based on program's legacy eligibility criteria as outlined in Resolution #BE-18-06-02. The most recent inspection report calls out the following structural condition issues which support the need to address the bridge:

- Potholes and spalls with exposed rebar in the deck along with map cracking and moderate to heavy efflorescence (def: a white deposit on concrete caused by the crystallization of soluble salts brought to the surface by moisture in the concrete) were observed. The efflorescence was recorded on nearly 90 percent of the bottom deck area; this indicates that the deck has been compromised by significant chloride intrusion and that this element has reached the end of its anticipated service life.

- The steel girders are noted to be tight against the abutments, leaving no room for thermal expansion.
- Rockers (def: an expansion bearing with of curved surface at the bottom to facilitate rotation) at abutment 1 are tipped around 15 degrees and restricted from further movement due to their proximity to the backwall of the abutment.
- Bridge wingwalls (def: a retaining wall adjacent to an abutment or a culvert that serves to retain earth in an embankment) all have observable displacement.

Additionally, accommodating current and projected increases to traffic volume at the proposed intersection requires a higher level of service the existing bridge currently provides. The intersection improvement project will upgrade the intersection and the surrounding area at US 285 and CO 9 with dual left turn lanes, dedicated through lanes on the structure, protected pedestrian crossings, and new sidewalks, which require the replacement of H-13-A. These improvements are supported by a Traffic and Operations and Safety Study and a 2016 Feasibility Study. The larger project and the replacement of bridge H-13-A are recognized as an urgent project due to safety and mobility concerns in the area. This segment of the US285 corridor also serves as a critical detour/alternative route around I-70 and Eisenhower/Johnson Tunnels to and from Denver and numerous rural communities and tourist destinations. The limits of the BTE eligible portion of the project are from approach slab to approach slab and does not include any roadway work.

US 285 ML over Middle Fork South Platte River in Park County
 (Old H-13-A) (New H-13-J) (SAP Project # 24052/1000...)
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 2022	FY 2023	FY 2024			
Construction	<i>FASTER Bridge Funds</i>	\$ -	\$ 4,561,100	\$ -	\$ -	\$ 4,561,100	\$ 4,561,100	\$ -
	Total Construction	\$ -	\$ 4,561,100	\$ -	\$ -	\$ 4,561,100	\$ 4,561,100	\$ -
Total Project Budget & Expenditure		\$ -	\$ 4,561,100	\$ -	\$ -	\$ 4,561,100	\$ 4,561,100	\$ -
			Year of Expenditure			Total Request		
			FY 2022	FY 2023	FY 2024			
			\$ 553,425	\$ 2,790,414	\$ 1,217,261		\$ 4,561,100	

Next Steps

- 1) Approval of this budget supplement and Resolution #BTE-22-01-02 will provide the budget necessary for H-13-A to proceed to advertisement.

Attachments

Attachment A: Proposed Resolution #BTE-22-01-02.

MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JERAD ESQUIBEL, BRIDGE AND TUNNEL ENTERPRISE DIRECTOR
KATHY YOUNG, FIRST ASSISTANT ATTORNEY GENERAL
DATE: JANUARY 20, 2022
SUBJECT: ADOPTION OF THE AMENDED BTE AND ARTICLES OF ORGANIZATION AND BOARD BYLAWS

Purpose

With the passage of SB21-260, the legacy Colorado Bridge Enterprise's scope was expanded to include tunnel projects, requiring amendments to the program's governing documents. Staff are requesting that the Bridge and Tunnel Enterprise (BTE or Enterprise) Board of Directors (Board) adopt amended BTE Articles of Organization and Board Bylaws which recognize the passage of the new legislation and the expanded scope of the Enterprise.

Action

This month the Board is being asked to approve a resolution to adopt the amended BTE Articles of Organization and Board Bylaws.

Background

In a November 2021 workshop, staff informed the Board that the Colorado Bridge Enterprise has officially become the Statewide Bridge and Tunnel Enterprise with the passage of SB21-260. It was communicated that the new law is expected to create \$522M in new BTE revenue by FY2032 and grants BTE the authority to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system. Staff followed up with a December 2021 workshop to communicate the need to amend the program's governing documents based on the new legislation and present the following proposed revisions to the BTE Articles of Organization and Board Bylaws for review and comment:

Articles of Organization

The substantive changes to the proposed Articles of Organization are primarily intended recognize the following pertinent elements of SB21-260:

- 1) The authority of the Enterprise to work on tunnel projects and the revision of the Enterprise's business purpose to include both bridge and tunnel projects
- 2) The authority of the Enterprise to impose two new fees (Bridge and Tunnel Impact Fee and the Bridge and Tunnel Retail Delivery Fee).
- 3) The renaming of the legacy Bridge Enterprise to the Statewide Bridge and Tunnel Enterprise

Summary list of major changes to Articles of Organization:

- Article I – Changes the name of the Bridge Enterprise to the Statewide Bridge and Tunnel Enterprise
- Article II – Recognizes SB21-260 being signed into law
- Article III – Includes the ability to repair, maintain or enhance the operation of any tunnel that is part of the state highway system.
- Article IV – Recognition that the new fees are not a tax and the new revenue can be used to complete designated tunnel projects.
- Article VII Sec. B & C – Grants the Enterprise the ability to impose a Bridge and Tunnel Impact Fee and a Bridge and Tunnel Retail Delivery Fee.

- Article X – Removal of language regarding the annual state reporting requirement (consistent with the passage of SB17-231)
- The addition of the word “tunnel” throughout the document to recognize the ability of the Enterprise to work on bridge or tunnel projects

Other changes include minor revisions to formatting, references, and grammar. The proposed revisions do not impact the ability of BTE to collect Bridge Safety Surcharge Fees, issue revenue bonds, or the definition of a poor rated bridge.

Board Bylaws

The Board Bylaws remain largely unchanged with only minor updates to items such as the Enterprise name and location, removal of gender references when recognizing the Board Chairperson, and revisions to Article VIII to mirror language in the Articles of Organization regarding the appointment of BTE Director.

Feedback from the Board was positive and there were no comments.

Options and Recommendation

- 1) Adopt the amended BTE Board Bylaws and Articles of Organization – **STAFF RECOMMENDATION**
- 2) Request additional revisions to the amended BTE Board Bylaws and Articles of Organization
- 3) Request additional information

Next Steps

Staff will continue efforts to incorporate the defined tunnel scope into the program in accordance with SB21-260 and the amended Articles of Organization and Board Bylaws.

Attachments

- Attachment A: Amended BTE Articles of Organization - Final version
- Attachment B: Amended BTE Board Bylaws - Final version
- Attachment C: Amended BTE Articles of Organization - Redline version
- Attachment D: Amended BTE Board Bylaws - Redline version
- Attachment E: Proposed Resolution #BTE-22-01-03 Adoption of the Amended Articles of Organization and Board Bylaws of the Statewide Bridge and Tunnel Enterprise

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

AMENDED ARTICLES OF ORGANIZATION

PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in CRS 43-4-805 (1) that:

(a) The completion of designated bridge projects and tunnel projects is essential to address increasing traffic congestion and delays, hazards, injuries, and fatalities;

(b) Due to the limited availability of state and federal funding and the need to accomplish the financing, repair, reconstruction, and replacement of designated bridges and tunnel projects as promptly and efficiently as possible, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

(I) Enter into agreements with the Colorado Transportation Commission (the "Commission") or the Colorado Department of Transportation (the "Department") to finance, repair, reconstruct, and replace designated bridges and complete tunnel projects in the state; and

(II) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges and tunnels and receiving retail deliveries, receive and expend revenue generated by the surcharge and fees and other money, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of money received by the state under the terms of one or more lease-purchase agreements authorized by part 8 of article 4, title 43, Colorado Revised Statutes, expend revenue generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

(c) The creation of a statewide bridge and tunnel enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges and repairing, maintaining, and operating tunnels in a manner that incorporates the benefits of advanced engineering design, experience, and safety.

The General Assembly thereupon created and expanded in CRS 43-4-805(2)(a)(I) a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The statewide bridge and tunnel enterprise created in CRS 43-4-805(2)(a)(I) shall be known as the STATEWIDE BRIDGE AND TUNNEL ENTERPRISE ("Enterprise").

Article II. Authority

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

Article III. Purpose

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

Article IV. TABOR Exemption

As provided in Section 43-4-805(2)(c), C.R.S., the Enterprise shall constitute an “enterprise” for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-805(2)(c), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with “enterprise” status under section 20 of article X of the state constitution, the general assembly found and declared in Section 43-4-805(2)(c), C.R.S., that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the Enterprise as authorized by subsection (5)(g), (5)(g.5) or (5)(g.7) of Section 43-4-805, C.R.S., is not a tax but is instead a fee imposed by the enterprise to defray the cost of completing designated bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

Article V. Enterprise Board and Enterprise Director

The Commission shall serve as the Enterprise Board (“Board”) and shall, with the consent of the Executive Director of the Department, appoint a director of the Enterprise (the “Enterprise Director”) who shall possess such qualifications as may be established by the Commission and the State personnel board.

The Enterprise Director shall oversee the discharge of all responsibilities of the Enterprise and shall serve at the pleasure of the Board.

The Enterprise and the Enterprise Director shall exercise their powers and perform their duties as if the same were transferred to the Department by a **type 1** transfer, as defined in section 24-1-105, C.R.S.

Article VI. Officers

The officers of the Enterprise shall be elected according to the Bylaws of the Board and shall have the duties set forth in the Bylaws.

Article VII. Powers

The Enterprise may:

- (a) Impose a bridge safety surcharge as authorized in Section 43-4-805(5)(g), C.R.S.;
- (b) Impose a bridge and tunnel impact fee as authorized in Section 43-4-805(5)(g.5), C.R.S.;
- (c) Impose a bridge and tunnel retail delivery fee as authorized in Section 43-4-805(5)(g.7);
- (d) Issue revenue bonds payable from the revenues and other available moneys of the enterprise pledged for their payment as authorized in Section 43-4-807, C.R.S.; and
- (e) Contract with any other governmental or nongovernmental source of funding for loans or grants, including, but not limited to, one or more loans from the state of moneys received by the state pursuant to the terms of one or more lease-purchase agreements authorized pursuant to Section 43-4-805(5)(r), C.R.S., to be used to support Enterprise functions.

In addition to any other powers and duties specified in Section 43-4-805, C.R.S., the Board also has the following powers and duties:

- (a) To supervise and advise the Enterprise director;
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges and completing tunnel projects;
- (d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;

(e) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;

(f) To enter into agreements with the Commission, or the Department to the extent authorized by the Commission, under which the Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges or completing tunnel projects as specified in the agreements;

(g) As necessary for the achievement of its business purpose, which, except as otherwise provided in 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.

(h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.

(i) In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.

(j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:

(I) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge or tunnel project; and

(II) An agreement pursuant to which a private entity designs, develops, constructs, reconstructs, repairs, operates, or maintains all or any portion of a designated bridge or tunnel project on behalf of the Enterprise;

(k) To make and to enter into all other contracts or agreements, including, but not limited to, design-build contracts, as defined in Section 43-1-1402 (3), C.R.S., and intergovernmental agreements pursuant to Section 29-1-203, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

(l) To employ or contract for the services of consulting engineers or other experts as are necessary in its judgment to carry out its powers and duties;

(m) To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project or tunnel project within the state;

(n) In connection with any designated bridge or tunnel project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge or tunnel within the state;

(o) To set and adopt, on an annual basis, a budget for the Enterprise;

(p) To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

(q) To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

(r) Pursuant to Section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a designated bridge or tunnel project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;

(s) To transfer money, property, or other assets of the Enterprise to the Department to the extent necessary to implement the financing of any designated bridge or tunnel project or for any other purpose authorized in part 8, article 4, of title 43;

(t) To contract with the state to borrow moneys under the terms of one or more loan contracts entered into by the state and the Enterprise pursuant to subparagraph (III) of paragraph (r) of Section 43-4-805(5), C.R.S., to expend any moneys borrowed from the state for the purpose of completing designated bridge projects and tunnel projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge, bridge and tunnel impact fee, or bridge and tunnel retail delivery fee imposed pursuant to paragraph (5)(g), (5)(g.5), or (5)(g.7) of Section 43-4-805, C.R.S., and any other legally available moneys of the Enterprise to repay the moneys borrowed and any other amounts payable under the terms of the loan contract.

(u) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in Section 43-4-805(5), C.R.S.

Article VIII. Revenues and Expenditures

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the "bridge special fund", has been created in the state treasury. All revenues received by the Enterprise, including, but not limited to, any revenues from a bridge safety surcharge imposed pursuant to Section 43-4-805(5)(g), C.R.S., revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7), and any moneys loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project or tunnel project. The Enterprise also may deposit or permit others to deposit other moneys into the bridge special fund,

but in no event may revenues from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the Board, shall invest any moneys in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

All interest and income derived from the deposit and investment of moneys in the bridge special fund shall be credited to the bridge special fund and, if applicable, to the appropriate designated bridge project account. Moneys in the bridge special fund shall be continuously appropriated to the Enterprise for the purposes set forth in part 8, article 4, title 43, Colorado Revised Statutes. All moneys deposited in the bridge special fund shall remain in the bridge special fund for the purposes set forth in part 8, and no part of the bridge special fund shall be used for any other purpose.

The Enterprise may expend moneys in the bridge special fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges and the completion of tunnel projects, and for the acquisition of land to the extent required in connection with any designated bridge project or tunnel project. The Enterprise may also expend moneys in the bridge special fund to pay its operating costs and expenses. The Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund.

The Commission may transfer moneys from the state highway fund created in Section 43-1-219, C.R.S., to the Enterprise for the purpose of defraying expenses incurred by the Enterprise prior to the receipt of bond proceeds or revenues by the Enterprise. The Enterprise may accept and expend any moneys so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer shall constitute a loan from the Commission to the Enterprise and shall not be considered a grant for purposes of section 20 (2) (d) of article X of the state constitution. As the Enterprise receives sufficient revenues in excess of expenses, the enterprise shall reimburse the state highway fund for the principal amount of any loan from the state highway fund made by the commission plus interest at a rate set by the Commission. Any moneys loaned from the state highway fund to the Enterprise pursuant to this section shall be deposited into a fund to be known as the statewide bridge and tunnel enterprise operating fund, and shall not be deposited into the bridge special fund. Moneys from the bridge special fund may, however, be used to reimburse the state highway fund for the amount of any loan from the state highway fund or any interest thereon.

Article IX. Articles of Organization--Amendment

The Board may amend, supplement, or repeal these Articles of Organization or adopt new Articles of Organization. All such changes shall affect and be binding upon the Enterprise, the Board and the Members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Articles of Organization or adoption of new Articles of Organization shall require a majority vote of the Members at any regular meeting of the Board.

Article X. Bylaws

The Board shall adopt a set of Bylaws to govern its internal operations and procedures.

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE BOARD BYLAWS

Article I. Offices and Definitions

A. Principal Office. The principal office of the Statewide Bridge and Tunnel Enterprise (“Enterprise”) shall be 2829 W. Howard Place, Denver, Colorado 80204.. The Enterprise may have other offices and places of business at such places within the State of Colorado as shall be determined by the Enterprise Board (“Board”), as defined below.

B. Definitions. Capitalized terms shall have the definitions ascribed to them in these Bylaws and the Articles of Organization.

Article II. Bridge and Tunnel Enterprise Board

A. Board. All the powers of the Enterprise, as described in § 43-4-805, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the Board. The Board shall manage the business and affairs of the Enterprise. The Board shall consist of the members of the Transportation Commission of Colorado, as determined pursuant to § 43-1-106(1), C.R.S. Members of the Board shall have the ability to vote.

B. Qualifications and Term. All members of the Board shall be, at the time of appointment and throughout their tenure on the Board, members of the Transportation Commission of Colorado as provided in § 43-1-106(1), C.R.S.

C. Performance of Duties. By acceptance of his or her office, each member of the Board shall be deemed to have accepted the obligation to perform his or her duties in good faith and in a manner he/she believes to be in the best interests of the Enterprise.

D. Reimbursement. The Board may provide for reimbursement of the members of the Board for reasonable and necessary expenses incurred on behalf of the Enterprise consistent with State Fiscal Rules and the but the members shall otherwise serve without compensation.

E. Disclosures. Members of the Board shall make financial disclosures and avoid conflicts of interest as provided by policies adopted by the Board and as provided by law.

Article III. Meetings of the Bridge and Tunnel Enterprise Board

A. Place of Meetings. The regular or special meetings of the Board or any committee designated by the Board shall be held at the principal office of the Enterprise or at any other place that a majority of the Board or any such committee, as the case may be, designates from time to time.

B. Regular Meetings. Regular meetings of the Board shall be held at a time and date set by the Board, but will generally be held the third Thursday of every month. It shall be the duty of the members of the Board to attend Board meetings. The Board shall meet no less than eight (8) times per year. The Chair of the Board ("the Chair") may postpone or advance the time and date of any regular meeting for a period not to exceed one week. The Board may remove items from the agenda or rearrange the order of the agenda items at any time. Items may be added to the agenda only with adequate public notice prior to the meeting, as provided by law.

C. Special Meetings. Special meetings may be called by the Director of the Enterprise, the Chair, or a majority of the members of the Board, with three days' notice by electronic mail or, in an emergency, 24 hours' notice by telephone or electronic mail, unless otherwise provided by law.

D. Notice of Meetings. Notice of the time, date and place shall be provided to the Board and the public as required by law.

E. Quorum. A quorum of the Board shall be six (6) members. If a quorum of the Enterprise Board is present, a majority vote of the members present shall be required to carry any motion, order, regulation, bylaw or other action of the Board. All formal action of the Board shall be by resolution adopted at a duly called meeting of the Board and no individual member shall exercise individually any administrative authority with respect to the Enterprise.

F. Voting. Each member of the Board shall be entitled to one vote. The Board may act only by resolution or motion at a duly called meeting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the Board or at the discretion of the Chair. Any member of the Board shall disqualify himself or herself from voting on any issue with respect to which he/she has a private interest, unless such member of the Board has disclosed such interest in compliance with § 24-18-110, C.R.S.

G. Conduct of Meetings. All meetings of the Board will be conducted under Roberts Rules of Order, unless specifically provided otherwise by the Board or these Bylaws.

H. Executive and Other Committees. The Board may, by a motion or resolution adopted by a majority of the members of the Board, designate not less than two (2) of its members to constitute one or more other committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the Board is made as herein provided, all references to the Board contained in these Bylaws, the Articles of Organization, § 43-4-801, *et seq.*, C.R.S. or any other applicable law or regulation relating to the authority so delegated shall be deemed to refer to such committee.

Article IV. Open Meetings and Open Records

A. Open Meetings. All meetings of the Board shall be open to the public and shall be preceded by adequate public notice as required by law. Public notice of the Board

agenda shall be made prior to Board meetings.

B. Open Records. The records of the Board shall be public records and shall be open for public inspection, as provided by law for public records. Board meetings shall be recorded by electronic recording device. Minutes shall be made of all Board meetings and shall be approved by the Board. After approval by the Board, minutes shall be made a part of the Board records.

Article V. Officers of the Bridge and Tunnel Enterprise Board

A. General. The Chair and Vice-Chair shall be the officers of the Board. The Board shall appoint a Secretary who shall not be a member of the Board. The officers shall be elected by the Board annually at the Board meeting in August. If the election of such officers is not held at such meeting, such election shall take place as soon thereafter as a meeting may be conveniently held. The Board shall elect a Chair and Vice-Chair, each of whom must be a member of the Board. Each officer shall serve at the pleasure of the Board.

B. General Duties. All officers of the Enterprise, as between themselves and the Enterprise, shall have the authority and shall perform such duties in the management of the Enterprise as may be provided in these Bylaws, the Articles of Organization or as may be determined by resolution or action of the Board not inconsistent with these Bylaws.

C. Specific Duties of Officers. In addition to duties designated by the Board, the duties of the officers shall include the following:

1. Chair. The Chair shall preside at all meetings of the Board. The term of the office as Chair shall be for one year or until a successor shall be elected.

2. Vice-Chair. The Vice-Chair shall, in the case of the absence or disability of the Chair, perform the duties of the Chair. The Vice-Chair shall also perform such other duties as may be prescribed by the Board from time to time. The term of office of Vice-Chair shall be for one year or until a successor shall be elected.

3. Secretary. The Secretary shall keep the records of the Board. The Secretary shall have the custody of the seal of the Enterprise and shall, in addition, perform all of the other duties usually pertaining to this office. The term of office shall be at the will of the Board.

D. Delegation of Duties. Whenever an officer is absent for any reason, the Board may delegate the powers and duties of an officer to any other Officer or to any member of the Board.

E. No contract right. Service on the Board shall not of itself create contract rights in the office.

Article VI. Fiscal Year and Budget

A. Fiscal Year. The fiscal year of the Enterprise shall be based on the State of

Colorado fiscal year (July 1 – June 30). The fiscal year may be changed from time to time by the Board at its discretion.

B. Budget. The Board shall set and adopt on an annual basis a budget for the Enterprise. The budget shall be adopted not later than June of each year.

Article VII. Amendments

A. General. The Board may amend, supplement or repeal these Bylaws or adopt new bylaws and all such changes shall affect and be binding upon the Board and members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Bylaws or adoption of new bylaws shall require a majority vote of all of the members at any regular meeting.

B. Notice. Specific notice of each meeting at which consideration of proposed amendment to, supplementation of, or repeal of these Bylaws or adoption of new bylaws shall be given in the same manner as notice of meetings is to be given pursuant to Article III, Section D. hereof.

C. Vote Necessary. Any adoption of new bylaws, or amendment, supplement, or repeal of these Bylaws shall require approval by a majority of the Board at any regular meeting at which the amendment, supplement, repeal, or adoption is considered.

Article VIII. Selection, Powers and Duties of Director

A. The Board shall appoint, with the consent of the CDOT Executive Director, an enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The Director of the Enterprise (“Director”) may be the CDOT Executive Director and the Director shall serve at the pleasure of the Board.

B. The Director shall be the chief executive officer of the Enterprise and shall supervise the activities of the Enterprise and shall direct and manage overall Enterprise staff and functions.

C. The Director or his or her designee shall report to the Board and recommend priorities, policies, and procedures to the Board.

D. The Director or his or her designee shall work with federal, state, local, and private agencies on Enterprise projects, funding, and programs.

E. The Director or his or her designee shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the Board.

Article IX. Miscellaneous

A. Invalid Provision. The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision were omitted.

B. Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and § 43-4-805, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.

C. Gender. Whenever required by context, the singular shall include the plural, the singular, and one gender shall include the other.

D. Contracts and Amendments. The Board shall set budgets for its operations and the Director, or his or her delegee, shall have authority to approve and enter into contracts and any amendments of existing contracts, so long as the total projected expenditures do not exceed the estimate of available funds approved for the fiscal year by the Board that are within an approved budget. The Director's signature or the signature of his or her delegee on such contracts and contract amendments shall legally bind the Enterprise.

STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE

AMENDED ARTICLES OF ORGANIZATION

PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in CRS 43-4-805 (1) that:

—“(a) The completion of designated bridge projects and tunnel projects is essential to address increasing traffic congestion and delays, hazards, injuries, and fatalities;

—(b) Due to the limited availability of state and federal funding and the need to accomplish the financing, repair, reconstruction, and replacement of designated bridges and tunnel projects as promptly and efficiently as possible, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

(I) Enter into agreements with the Ceolorado Ttransportation Ceommission (the "Ceommission") or the Ceolorado Ddepartment of Ttransportation (the "Ddepartment") to finance, repair, reconstruct, and replace designated bridges and complete tunnel projects in the state; and

(II) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges and tunnels and receiving retail deliveries, receive and expend revenues generated by the surcharge and fees and other moneys, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of moneys received by the state under the terms of one or more lease-purchase agreements authorized by part 8 of article 4, title 43, Colorado Revised Sstatutes, expend revenues generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

—(c) The creation of a statewide bridge and tunnel enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges and repairing, maintaining, and operating tunnels in a manner that incorporates the benefits of advanced engineering design, experience, and safety.”

The General Assembly thereupon created and expanded in CRS 43-4-805(2)(a)(I) a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The statewide bridge and tunnel enterprise created in CRS 43-4-805(2)(a)(I) shall be known as the STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE ("Enterprise").

Article II. Authority

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

Article III. Purpose

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

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Article IV. TABOR Exemption

As provided in Section 43-4-805(2)(c), C.R.S., the Colorado Bridge Enterprise shall constitute an "enterprise" for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-805(2)(c), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with "enterprise" status under section 20 of article X of the state constitution, the general assembly found and declared in Section 43-4-805(2)(c), C.R.S., that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the Enterprise as authorized by subsection (5)(g), (5)(g.5) or (5)(g.7) of pursuant to Section 43-4-805(5)(g), C.R.S., is not a tax but is instead a fee imposed by the enterprise to defray the cost of completing designated bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

Article ~~IV~~. Enterprise Board and Enterprise Director

The Commission shall serve as the Enterprise Board ("~~Enterprise~~-Board") and shall, with the consent of the Executive Director of the Department, appoint a director of the Enterprise (the "Enterprise Director") who shall possess such qualifications as may be established by the Commission and the State personnel board.

The Enterprise Director shall oversee the discharge of all responsibilities of the Enterprise and shall serve at the pleasure of the Board.

The Enterprise and the Enterprise Director shall exercise their powers and perform their duties as if the same were transferred to the Department by a **type 1** transfer, as defined in section 24-1-105, C.R.S.

Article ~~VHVI~~. Officers

The officers of the Enterprise shall be elected according to the Bylaws of the Enterprise Board and shall have the duties set forth in the Bylaws.

Article ~~VHVII~~. Powers

The bridge-Enterprise may:

~~(a)~~ ~~—(1)~~ Impose a bridge safety surcharge as authorized in Section 43-4-805(5)(g), C.R.S.;

(b) Impose a bridge and tunnel impact fee as authorized in Section 43-4-805(5)(g.5), C.R.S.;

(c) Impose a bridge and tunnel retail delivery fee as authorized in Section 43-4-805(5)(g.7);

~~(a)~~

~~(d)~~ ~~—(2)~~ Issue revenue bonds payable from the revenues and other available moneys of the enterprise pledged for their payment as authorized in Section 43-4-807, C.R.S.; and

~~(b)~~

(e) (e) ~~—(3)~~ Contract with any other governmental or nongovernmental source of funding for loans or grants, including, but not limited to, one or more loans from the state of moneys received by the state pursuant to the terms of one or more lease-purchase agreements authorized pursuant to Section 43-4-805(5)(r), C.R.S., to be used to support Enterprise functions.

In addition to any other powers and duties specified in Section 43-4-805, C.R.S., the Board also has the following powers and duties:

~~(a1)~~ To supervise and advise the bridge-enterprise director;

(b2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(c3) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges and completing tunnel projects;

(d4) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;

(e5) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;

(f6) To enter into agreements with the Commission, or the Department to the extent authorized by the Commission, under which the bridge Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges or completing tunnel projects as specified in the agreements;

(g7) As necessary for the achievement of its business purpose, which, except as otherwise provided in 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.

(h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.

(i8) –In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.

(j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:

(Ia) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge or tunnel project; and

(IIb) An agreement pursuant to which a private entity designs, develops, constructs, reconstructs, repairs, operates, or maintains all or any portion of a designated bridge or tunnel project on behalf of the Enterprise;

(k9) To make and to enter into all other contracts or agreements, including, but not limited to, design-build contracts, as defined in Section 43-1-1402 (3), C.R.S., and intergovernmental agreements pursuant to Section 29-1-203, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

(H10) To employ or contract for the services of consulting engineers or other experts as are necessary in its judgment to carry out its powers and duties;

~~(m+1)~~ To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project or tunnel project within the state;

~~(n+2)~~ In connection with any designated bridge or tunnel project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge or tunnel within the state;

~~(o+3)~~ To set and adopt, on an annual basis, a budget for the Enterprise~~bridge enterprise~~;

~~(p+4)~~ To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

~~(q+5)~~ To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

~~(r+6)~~ Pursuant to Section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a designated bridge or tunnel project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;

~~(s+7)~~ To transfer money, property, or other assets of the E~~bridge e~~nterprise to the Department to the extent necessary to implement the financing of any designated bridge or tunnel project or for any other purpose authorized in part 8, article 4, of title 43;

~~(t+8)~~ To contract with the state to borrow moneys under the terms of one or more loan contracts entered into by the state and the bridge eEnterprise pursuant to subparagraph (III) of paragraph (r) of Section 43-4-805(5), C.R.S., to expend any moneys borrowed from the state for the purpose of completing designated bridge projects and tunnel projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge, bridge and tunnel impact fee, or bridge and tunnel retail delivery fee imposed pursuant to paragraph ~~(5)(g)~~, (5)(g.5), or (5)(g.7) of Section 43-4-805~~(5)~~, C.R.S., and any other legally available moneys of the bridge eEnterprise to repay the moneys borrowed and any other amounts payable under the terms of the loan contract.

~~(u+9)~~ To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in Section 43-4-805(5), C.R.S.

Article ~~IX~~VIII. Revenues and Expenditures

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the "bridge special fund", ~~has been is hereby~~ created in the state treasury. All revenues received by the bridge eEnterprise, including, but not limited to, any

revenues from a bridge safety surcharge ~~imposed collected~~ pursuant to ~~paragraph (g) of~~ Section 43-4-805(5)(g), C.R.S., ~~revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7),~~ and any moneys loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The ~~bridge enterprise b~~Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project ~~or tunnel project~~. The ~~bridge e~~Enterprise also may deposit or permit others to deposit other moneys into the bridge special fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the ~~bridge enterprise b~~Board, shall invest any moneys in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

All interest and income derived from the deposit and investment of moneys in the bridge special fund shall be credited to the bridge special fund and, if applicable, to the appropriate designated bridge project account. Moneys in the bridge special fund shall be continuously appropriated to the ~~bridge e~~Enterprise for the purposes set forth in part 8, article 4, title 43, Colorado Revised Statutes. All moneys deposited in the bridge special fund shall remain in the bridge special fund for the purposes set forth in part 8, and no part of the bridge special fund shall be used for any other purpose.

The ~~bridge e~~Enterprise may expend moneys in the bridge special fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges ~~and the completion of tunnel projects~~, and for the acquisition of land to the extent required in connection with any designated bridge project ~~or tunnel project~~. The ~~bridge e~~Enterprise may also expend moneys in the bridge special fund to pay its operating costs and expenses. The ~~bridge enterprise b~~Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund.

The ~~C~~ommission may transfer moneys from the state highway fund created in Section 43-1-219, ~~C.R.S.~~, to the ~~bridge e~~Enterprise for the purpose of defraying expenses incurred by the ~~E~~nterprise prior to the receipt of bond proceeds or revenues by the ~~E~~nterprise. The ~~bridge E~~nterprise may accept and expend any moneys so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer shall constitute a loan from the ~~C~~ommission to the ~~bridge e~~Enterprise and shall not be considered a grant for purposes of section 20 (2) (d) of article X of the state constitution. As the ~~bridge e~~Enterprise receives sufficient revenues in excess of expenses, the enterprise shall reimburse the state highway fund for the principal amount of any loan from the state highway fund made by the commission plus interest at a rate set by the ~~C~~ommission. Any moneys loaned from the state highway fund to the ~~bridge e~~Enterprise pursuant to this section shall be deposited into a fund to be known as the statewide bridge ~~and tunnel~~ enterprise operating fund, ~~which fund is hereby created~~, and shall not be deposited into the bridge special fund. Moneys from the bridge special fund may, however, be used to

reimburse the state highway fund for the amount of any loan from the state highway fund or any interest thereon.

Article XIX. Articles of Organization--Amendment

The ~~Enterprise~~ Board may amend, ~~supplements~~supplement, or repeal these Articles of Organization or adopt new Articles of Organization. All such changes shall affect and be binding upon the Enterprise, the ~~Enterprise~~ Board and the Members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Articles of Organization or adoption of new Articles of Organization shall require a majority vote of the Members at any regular meeting of the ~~Enterprise~~ Board.

Article XIX. Bylaws

The ~~Enterprise~~ Board shall adopt a set of Bylaws to govern its internal operations and procedures.

~~-(6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.~~

STATEWIDE BRIDGE ~~AND TUNNEL~~ ENTERPRISE BOARD
BYLAWS

Article I. Offices and Definitions

A. Principal Office. The principal office of the Statewide Bridge ~~and Tunnel~~ Enterprise (“Enterprise”) shall be ~~4201 East Arkansas Avenue, 2829 W. Howard Place,~~ Denver, Colorado 80204.22. The Enterprise may have other offices and places of business at such places within the State of Colorado as shall be determined by the Enterprise Board (“Board”), as defined below.

B. Definitions. Capitalized terms shall have the definitions ascribed to them in these Bylaws and the Articles of Organization.

Article II. Bridge and Tunnel Enterprise Board

A. Enterprise Board. ~~All of All~~ the powers of the Enterprise, as described in § 43-4-805, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the ~~Enterprise~~ Board. The ~~Enterprise~~ Board shall manage the business and affairs of the Enterprise. The ~~Enterprise~~ Board shall consist of the members of the Transportation Commission of Colorado, as determined pursuant to § 43-1-106(1), C.R.S. Members of the ~~Enterprise~~ Board shall have the ability to vote.

B. Qualifications and Term. All members of the ~~Enterprise~~ Board shall be, at the time of appointment and throughout their tenure on the ~~Enterprise~~ Board, members of the Transportation Commission of Colorado as provided in § 43-1-106(1), C.R.S.

C. Performance of Duties. By acceptance of his or her office, each member of the ~~Enterprise~~ Board shall be deemed to have accepted the obligation to perform his or her duties in good faith and in a manner he/she believes to be in the best interests of the Enterprise.

D. Reimbursement. The ~~Enterprise~~ Board may provide for reimbursement of the members of the ~~Enterprise~~ Board for reasonable and necessary expenses incurred on behalf of the Enterprise consistent with State Fiscal Rules and the but the members shall otherwise serve without compensation.

E. Disclosures. Members of the ~~Enterprise~~ Board shall make financial disclosures and avoid conflicts of interest as provided by policies adopted by the ~~Enterprise~~ Board and as provided by law.

Article III. Meetings of the Bridge and Tunnel Enterprise Board

A. Place of Meetings. The regular or special meetings of the ~~Enterprise~~ Board or any committee designated by the ~~Enterprise~~ Board shall be held at the principal office of the

Enterprise or at any other place that a majority of the ~~Enterprise~~ Board or any such committee, as the case may be, designates from time to time.

~~B.~~ Regular Meetings. Regular meetings of the ~~Enterprise~~ Board shall be held at a time and date set by the ~~Enterprise~~ Board, but will generally be held the third Thursday of every month. It shall be the duty of the members of the ~~Enterprise~~ Board to attend ~~Enterprise~~ Board meetings. The ~~Enterprise~~ Board shall meet no less than eight (8) times per year.

~~C.~~ B. The Chair of the ~~Enterprise~~ Board ("the Chair") may postpone or advance the time and date of any regular meeting for a period not to exceed one week. The ~~Enterprise~~ Board may remove items from the agenda or rearrange the order of the agenda items at any time. Items may be added to the agenda only with adequate public notice prior to the meeting, as provided by law.

~~D.~~ C. Special Meetings. Special meetings may be called by the Director of the Enterprise, the Chair, or a majority of the members of the ~~Enterprise~~ Board, with three days' notice by electronic mail or, in an emergency, 24 hours' notice by telephone or electronic mail, unless otherwise provided by law.

~~E.~~ D. Notice of Meetings. Notice of the time, date and place shall be provided to the ~~Enterprise~~ Board and the public as required by law.

~~F.~~ E. Quorum. A quorum of the ~~Enterprise Board Board~~ shall be six (6) members. If a quorum of the Enterprise Board is present, a majority vote of the members present shall be required to carry any motion, order, regulation, bylaw or other action of the ~~Enterprise Board Board~~. All formal action of the ~~Enterprise Board Board~~ shall be by resolution adopted at a duly called meeting of the ~~Enterprise Board Board~~ and no individual member shall exercise individually any administrative authority with respect to the Enterprise.

~~G.~~ F. Voting. Each member of the ~~Enterprise Board Board~~ shall be entitled to one vote. The ~~Enterprise Board Board~~ may act only by resolution or motion at a duly called meeting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the ~~Enterprise Board Board~~ or at the discretion of the Chair. Any member of the ~~Enterprise Board Board~~ shall disqualify himself or herself from voting on any issue with respect to which he/she has a private interest, unless such member of the ~~Enterprise Board Board~~ has disclosed such interest in compliance with § 24-18-110, C.R.S.

G. Conduct of Meetings. All meetings of the ~~Enterprise Board Board~~ will be conducted under Roberts Rules of Order, unless specifically provided otherwise by the ~~Enterprise Board Board~~ or these Bylaws.

H. Executive and Other Committees. The ~~Enterprise Board Board~~ may, by a motion or resolution adopted by a majority of the members of the ~~Enterprise Board Board~~, designate not less than two (2) of its members to constitute one or more other committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the ~~Enterprise Board Board~~ is made as herein provided, all references to the ~~Enterprise Board Board~~ contained in these Bylaws, the Articles of Organization, § 43-4-801, *et seq.*, C.R.S. or any other applicable law or regulation relating to the authority so

delegated shall be deemed to refer to such committee.

Article IV. Open Meetings and Open Records

A. Open Meetings. All meetings of the Enterprise BoardBoard shall be open to the public and shall be preceded by adequate public notice as required by law. Public notice of the Enterprise BoardBoard agenda shall be made prior to Enterprise BoardBoard meetings.

B. Open Records. The records of the Enterprise BoardBoard shall be public records and shall be open for public inspection, as provided by law for public records. Enterprise BoardBoard meetings shall be recorded by electronic recording device. Minutes shall be made of all Enterprise BoardBoard meetings and shall be approved by the Enterprise BoardBoard. After approval by the Enterprise BoardBoard, minutes shall be made a part of the Enterprise BoardBoard records.

Article V. Officers of the Bridge and Tunnel Enterprise Enterprise BoardBoard

A. General. The Chair and Vice-Chair shall be the officers of the Enterprise BoardBoard. The Enterprise BoardBoard shall appoint a Secretary who shall not be a member of the Enterprise BoardBoard. The officers shall be elected by the Enterprise BoardBoard ~~in July 2009 and thereafter~~ annually at the Enterprise BoardBoard meeting in August. If the election of such officers is not held at such meeting, such election shall take place as soon thereafter as a meeting may be conveniently held. The Enterprise BoardBoard shall elect a Chair and Vice-Chair, each of whom must be a member of the Enterprise BoardBoard. Each officer shall serve at the pleasure of the Enterprise BoardBoard.

B. General Duties. All officers of the Enterprise, as between themselves and the Enterprise, shall have the authority and shall perform such duties in the management of the Enterprise as may be provided in these Bylaws, the Articles of Organization or as may be determined by resolution or action of the Enterprise BoardBoard not inconsistent with these Bylaws.

C. Specific Duties of Officers. In addition to duties designated by the Enterprise BoardBoard, the duties of the officers shall include the following:

1. Chair. The Chair shall preside at all meetings of the Enterprise BoardBoard. The term of the office as Chair shall be for one year or until a successor shall be elected.

2. Vice-Chair. The Vice-Chair shall, in the case of the absence or disability of the Chair, perform the duties of the Chair. The Vice-Chair~~man~~ shall also perform such other duties as may be prescribed by the Enterprise BoardBoard from time to time. The term of office of Vice-Chair~~man~~ shall be for one year or until a successor shall be elected.

3. Secretary. The Secretary shall keep the records of the Enterprise BoardBoard. The Secretary shall have the custody of the seal of the Enterprise and shall, in addition, perform all of the other duties usually pertaining to this office. The term of office shall be at the will of the Enterprise BoardBoard.

D. Delegation of Duties. Whenever an officer is absent for any reason, the ~~Enterprise Board~~Board may delegate the powers and duties of an officer to any other Officer or to any member of the ~~Enterprise Board~~Board.

E. No contract right. Service on the ~~Enterprise Board~~Board shall not of itself create contract rights in the office.

Article VI. Fiscal Year and Budget

A. Fiscal Year. The fiscal year of the Enterprise shall be based on the State of Colorado fiscal year (July 1 – June 30). The fiscal year may be changed from time to time by the ~~Enterprise Board~~Board at its discretion.

B. Budget. The ~~Enterprise Board~~Board shall set and adopt on an annual basis a budget for the Enterprise. The budget shall be adopted not later than June of each year.

Article VII. Amendments

A. General. The ~~Enterprise Board~~Board may amend, supplement or repeal these Bylaws or adopt new bylaws and all such changes shall affect and be binding upon the ~~Enterprise Board~~Board and members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Bylaws or adoption of new bylaws shall require a majority vote of all of the members at any regular meeting.

B. Notice. Specific notice of each meeting at which consideration of proposed amendment to, supplementation of, or repeal of these Bylaws or adoption of new bylaws shall be given in the same manner as notice of meetings is to be given pursuant to Article III, Section D. hereof.

C. Vote Necessary. Any adoption of new bylaws, or amendment, supplement, or repeal of these Bylaws shall require approval by a majority of the ~~Enterprise Board~~Board at any regular meeting at which the amendment, supplement, repeal, or adoption is considered.

Article VIII. Selection, Powers and Duties of Director

A. The ~~Enterprise Board~~Board shall appoint ~~, with the consent of the CDOT Executive Director, an enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The the Executive Director of the Colorado Department of Transportation to be the~~Director of the Enterprise (“Director”) ~~may be the CDOT Executive Director~~ and the Director shall serve at the pleasure of the ~~Enterprise Board~~Board.

B. The Director shall be the chief executive officer of the Enterprise and shall

supervise the activities of the Enterprise and shall direct and manage overall Enterprise staff and functions.

C. The Director or his or her designee shall report to the ~~Enterprise Board~~Board and recommend priorities, policies, and procedures to the ~~Enterprise Board~~Board.

D. The Director or his or her designee shall work with federal, state, local, and private agencies on Enterprise projects, funding, and programs.

E. The Director or his or her designee shall see that all policies, directions and orders of the ~~Enterprise Board~~Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the ~~Enterprise Board~~Board.

Article IX. Miscellaneous

A. Invalid Provision. The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision were omitted.

~~B.~~ Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and § 43-4-805, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.

~~B.~~ _____

C. Gender. Whenever required by context, the singular shall include the plural, ~~the plural~~ the singular, and one gender shall include the other.

D. Contracts and Amendments. The ~~Enterprise Board~~Board shall set budgets for its operations and the Director, or his or her delegee, shall have authority to approve and enter into contracts and any amendments of existing contracts, so long as the total projected expenditures do not exceed the estimate of available funds approved for the fiscal year by the Board— that are within an approved budget. The Director's signature or the signature of his or her delegee on such contracts and contract amendments shall legally bind the Enterprise.

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MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
DATE: JANUARY 20, 2022
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.

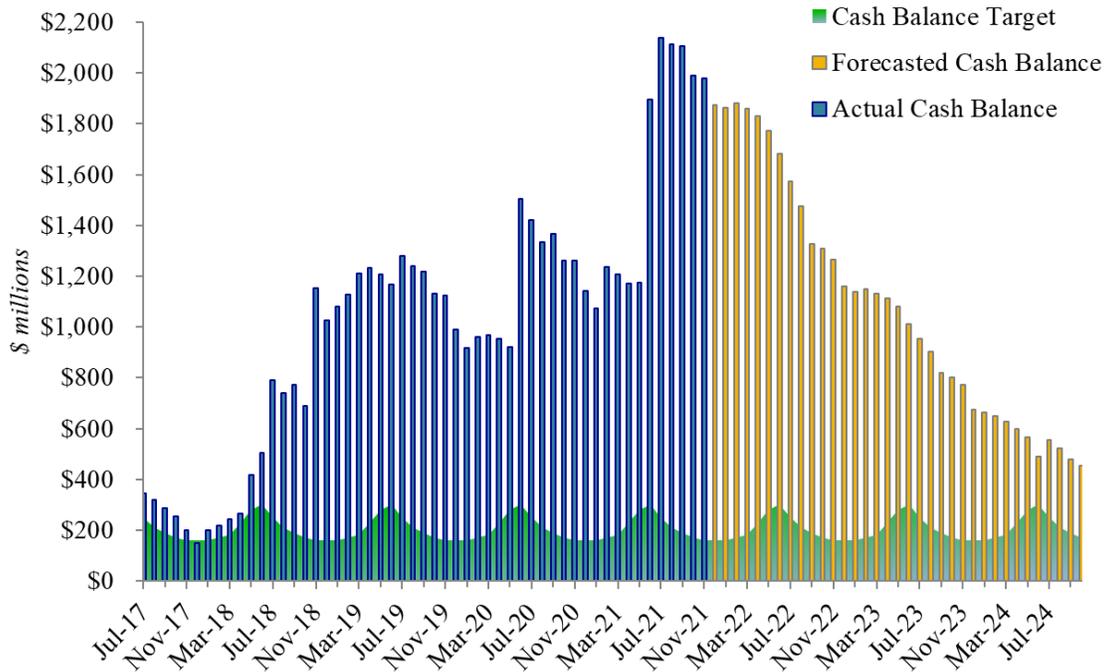
Action

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, the Department anticipated a significant and immediate impact to revenue collections, followed by a longer downturn overall. The current forecast continues to assume a 2.5% reduction in pre-pandemic monthly gross gallons of gasoline consumed from July 2021 through June 2022. Staff will modify fuel sale assumptions as traffic patterns continue to adjust.

The actual closing cash balance for November 2021 was \$1.98 billion; \$1.82 billion above that month's cash balance target of \$160 million. November's cash balance is comprised of \$984 million in the State Highway Fund, and \$996 million in the Senate Bill 267 trustee account. November's closing cash balance for the State Highway Fund is \$48 million higher than October's forecast of that balance due to lower than expected construction expenditures.

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, \$623 million in June 2021, and \$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.

Senate Bill 21-110: \$30 million in May 2021

Senate Bill 21-260: \$182 million in June 2021, and \$170 million in July 2021

Senate Bill 21-265: \$124 million in July 2021

The forecast does not include \$500 million of revenues in FY22 from SB 17-267 COP proceeds. The cash balance forecast continues to report on only projects and revenues related to the State Highway Fund, and does not include revenue and expenditures associated with any pre-existing or new enterprises created through SB 21-260, including:

- Statewide Bridge and Tunnel Enterprise
- Clean Transit Enterprise
- Nonattainment Area Air Pollution Mitigation Enterprise

Cash balances will be drawn down closer to the target balances over the course of fiscal years 2022, 2023, and 2024 as projects funded with SB 18-001, SB 17-267, and SB 19-262 progress through construction.





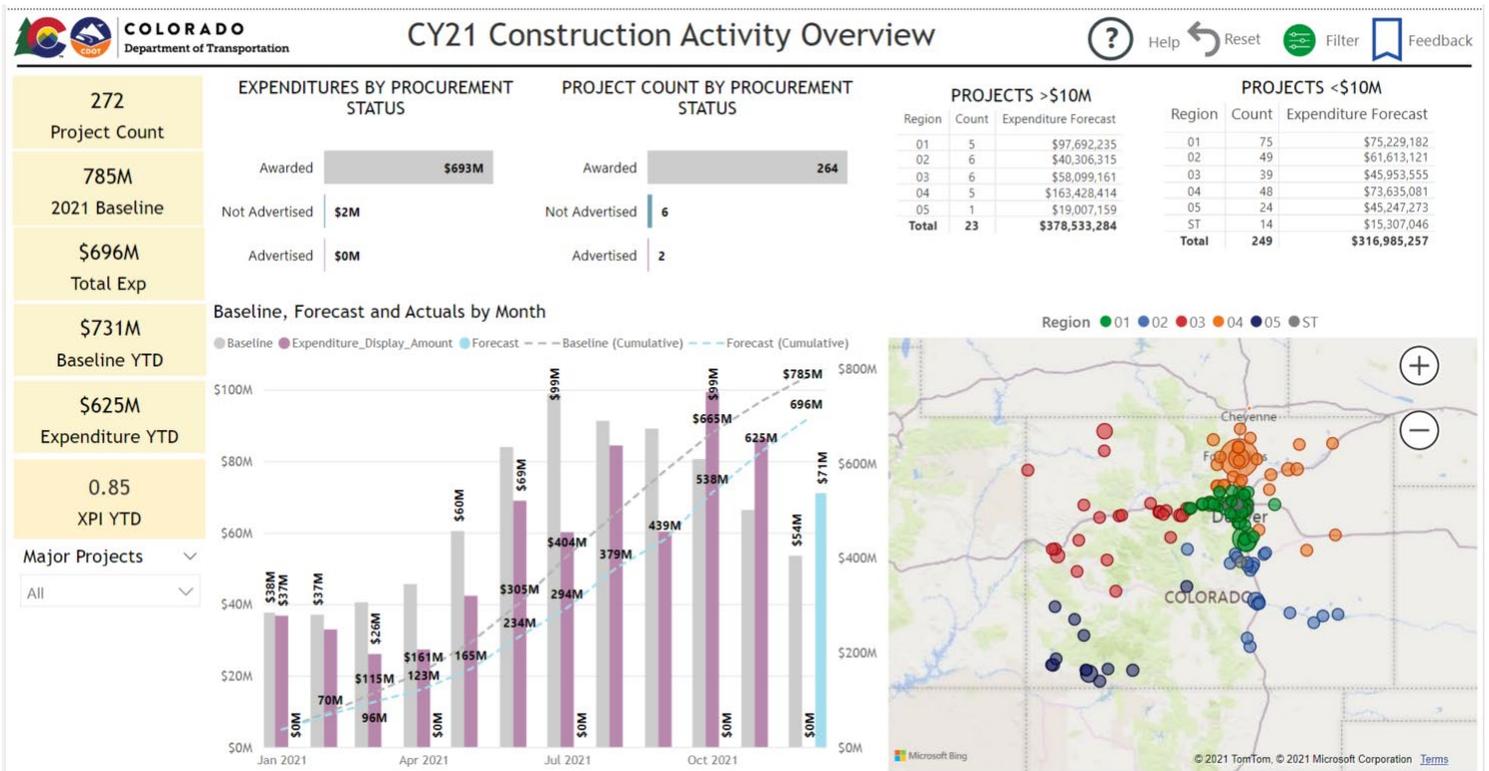
Cash Payments to Construction Contractors

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 (actual)	CY 2021 (forecast)	CY 2022 (forecast)	CY 2023 (forecast)	CY 2024 (forecast)
Expenditures	\$642	\$578	\$669	\$774	\$704	\$1015	\$713	\$554

The graph below details CY21 baseline, forecast, and actual expenditures (based on November month end SAP data). Results to date correlate with an XPI of .85 (actual expenditures vs. baseline); listing of number of projects planned to incur construction expenditures in CY21; listing of CY21 baseline and project count by procurement status (awarded, not advertised and advertised); and count of projects by region that have CY21 forecast greater than \$10 million dollars and less than \$10 million dollars.





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: JANUARY 20, 2022
SUBJECT: FY 2021-22 Q2 ANNUAL REVENUE FORECAST UPDATE

Purpose

To provide a quarterly update to the annual Highway User Tax Fund (HUTF) revenue forecast.

Action

This is for information purposes only. No action is requested from the Transportation Commission at this time.

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 Administration and Federal Transit Administration (FHWA & FTA), and the National Highway Traffic Safety Administration (NHTSA).

The Department uses the revenue forecast to develop the Annual Revenue Allocation Plan using outputs from this model. During the annual budget development process, CDOT staff reconcile annual projected revenues with approved requests for expenditures. Staff provides draft and final versions of the Revenue Allocation Plan for formal review and approval by the Transportation Commission. The final plan becomes CDOT's official budget for the next fiscal year.

Summary

The revenue forecast for motor fuel consumption and vehicle registrations in FY 2021-22 and FY 2022-23 is largely the same as last quarter's projection.

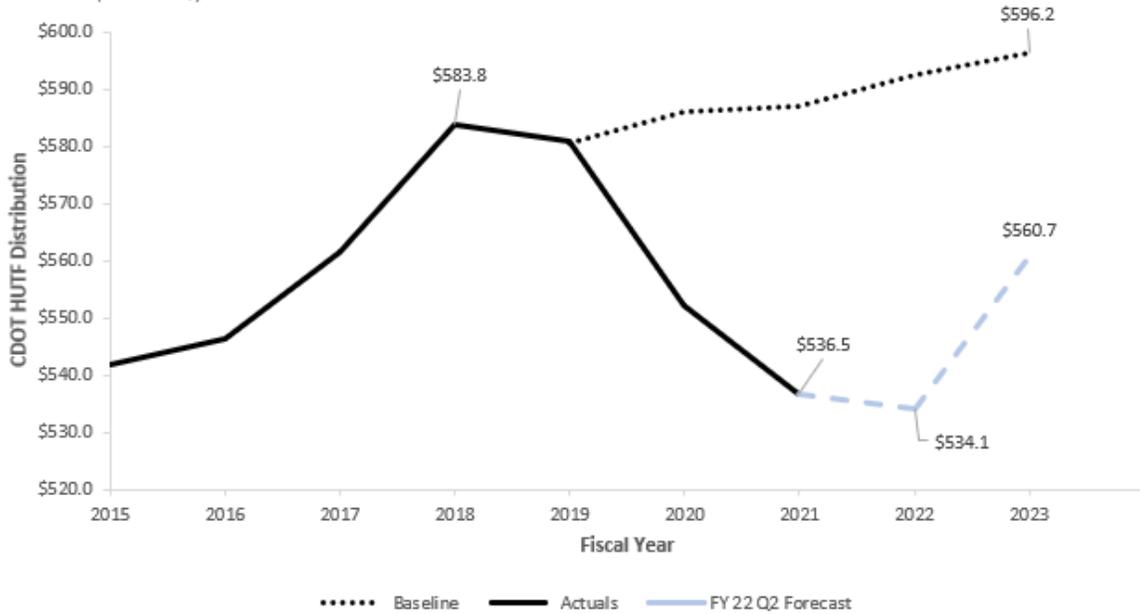
The figure below represents the estimated HUTF distributions to CDOT based on the latest quarterly forecast update relative to last quarter's projection, the current budget, and the baseline of assumed revenues prior to the onset of the COVID-19 pandemic.





CDOT HUTF Distribution Outlook

FY 22 Q2 Forecasts, Actuals, & Pre-pandemic Baseline
 FY 15 - FY 23 (in millions \$)



Colorado VMT

The state’s Vehicle Miles Traveled (VMT), as measured by the Division of Transportation Development (DTD), remained variable in the spring and early summer. However, statewide VMT from June to October largely reached parity with the 2019 traffic patterns, with year-over-year VMT growing slightly since 2019 in most months. At this time, it is uncertain how the recent COVID-19 surge will impact VMT in the first part of 2022.

FASTER Safety Reduction

SB 21-260: “Sustainability of the Transportation System” reduced the FASTER Road Safety Surcharge by \$11.10 in 2022 and \$5.55 in 2023. It is estimated that these discounts will decrease statewide FASTER revenues by \$30.4 million in FY 2021-22 and \$46.3 million in FY 2022-23. Although this will decrease the total amount of FASTER revenue to CDOT, this impact will be partially offset by using \$18.0 million in state stimulus funds to backfill this lost revenue.

While fuel and registration revenue projections are improved compared to estimates one year ago, the total estimated decrease in FASTER fees to CDOT will outpace those gains. Staff plans to address any revenue shortfall through the Department’s normal revenue reconciliation process, which occurs after the final accounting close of the fiscal year. Staff anticipates bringing this to the Commission at that time.





Office of State Planning and Budget (OSPB) and Legislative Council Staff (LCS) September Forecasts

Each quarter, the Office of State Planning and Budgeting (OSPB) and Legislative Council Staff (LCS) provide quarterly forecasts to the Joint Budget Committee. These forecasts are used as the basis for statewide budget planning.

In their second quarter forecasts, both OSPB and LCS estimated higher statewide HUTF revenue than CDOT for both FY 2021-22 and FY 2022-23. The forecast from OSPB for FY 2021-22 and FY 2022-23 is about \$14.1 million and \$22.4 million higher, respectively, than CDOT's. LCS' projections are \$38.5 million and \$56.4 million higher, respectively. Overall, CDOT currently estimates about 5.8 percent year-over-year growth for FY 2022-23, while OPSB estimates 6.2 percent growth and LCS estimates 8.4 percent growth.

Additionally, both statewide forecasts show state revenue significantly surpassing the Referendum C TABOR Cap. Much of this revenue increase is driven by increased cash fund revenue. Since TABOR refunds are paid from the General Fund, the additional cash fund revenue will squeeze the General Fund budget in future years. While this won't directly impact CDOT cash fund revenue, it may disrupt future General Fund transfers if the General Assembly decides to reallocate the General Fund budget elsewhere to cover other commitments.

CDOT, LCS, & OSPB Statewide HUTF Forecast

FY 22 Q2 Forecasts & Actuals
 FY 15 - FY 23 (In millions \$)

