

Colorado Transportation Commission

Schedule & Agenda

March 15-16, 2022

Transportation Commission Workshops

Wednesday, March 15, 2023

Time	Topic	Speaker
11:30 a.m.	Commissioner Lunch	None
Noon	Joint Workshop with Colorado Transportation Investment Office (CTIO) <ul style="list-style-type: none"> • TIFIA Loan Approval 	Nick Farber
12:30 p.m.	Budget Workshop <ul style="list-style-type: none"> • FY 2023-24 Final Annual Budget Allocation Plan 	Jeff Sudmeier & Bethany Nicholas
1 p.m.	Condemnation	Keith Stefanik
1:15 p.m.	CDOT Arterial Bus Rapid Transit (BRT) Program Overview and Updates	Jessica Myklebust & Angie Drumm
2 p.m.	Fee Based Right-Of-Way (ROW) Access for Fiber	Jonas Durham & Allie Axley
2:30 p.m.	Transportation Safety Update	San Lee, Manjari Bhat, Darrell Ling, Sam Cole, & Patrick Chavez
3:30 p.m.	Small Business and Diversity Committee: Office of Environmental Justice & Equity Accomplishments & 2023 Goals	Commissioner Vasquez, Marsha Nelson, Greg Diehl, Anna Mariotti, & Brian Fauver
4 p.m.	Audit Review Committee (ARC)	Commissioner Adams & Frank Spinelli
4:45 p.m.	Adjournment	None

Transportation Commission Meeting

Thursday, March 16, 2023

Time	Topic	Speaker
8 a.m.	Commissioner Breakfast	Various
9 a.m.	Call to Order, Roll Call	Herman Stockinger
9:05 a.m.	Public Comments	Various
9:10 a.m.	Comments of the Chair and Individual Commissioners	Commissioners
9:30 a.m.	Executive Director's Management Report	Shoshana Lew
9:35 a.m.	Chief Engineer's Report	Keith Stefanik
9:40 a.m.	CTIO Director's Report	Nick Farber
9:45 a.m.	FHWA Division Administrator Report	John Cater
9:50 a.m.	STAC Report	Vincent Rogalski
9:55 a.m.	Legislative Report	Emily Haddaway

Time	Topic	Speaker
10 a.m.	<p>Act on Consent Agenda</p> <ul style="list-style-type: none"> Proposed Resolution #1: Approve the Regular Meeting Minutes of February 16, 2023 Proposed Resolution #2: IGA Approval >\$750,000 Proposed Resolution #3: Disposal: Parcel 52-EX (Central 70) Proposed Resolution #4: Disposal: Parcel 83-EX (Central 70) Proposed Resolution #5: Disposal: Parcel 185-EX (Central 70) Proposed Resolution #6: Disposal: Loveland SH 402 Parcel 48-EX Proposed Resolution #7: Disposal: Cuchara SH 160 Maintenance Site Proposed Resolution #8: Disposal: Cripple Creek Maintenance Site Proposed Resolution #:9 Grand Junction Auto Access Appeal 	<p>Various</p> <p>Herman Stockinger</p> <p>Keith Stefanik</p> <p>Jessica Myklebust</p> <p>Jessica Myklebust</p> <p>Jessica Myklebust</p> <p>Heather Paddock</p> <p>Shane Ferguson</p> <p>Shane Ferguson</p> <p>Dan Roussin</p>
10:05 a.m.	Discuss and Act on Proposed Resolution #10: Budget Supplement of FY 2023	Jeff Sudmeier
10:10 a.m.	Discuss and Act on Proposed Resolution #11: FY 2023-24 Final Annual Budget Allocation Plan for Approval	Jeff Sudmeier
10:15 a.m.	Discuss and Act on Proposed Resolution #12: FY 2023-24 CTIO Fee for Service IAA Approval	Nick Farber
10:20 a.m.	Discuss and Act on Proposed Resolution #13: Safe Routes to School (SRTS) FY 2023-2024 Projects	Annelies Van Vonno
10:25 a.m.	Discuss and Act on Proposed Resolution #14: Condemnation	Keith Stefanik
10:30 a.m.	Recognition	None
10:35 a.m.	Other Matters	None
10:40 a.m.	Adjournment	None

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

Bridge and Tunnel Enterprise Board of Directors Meeting

Thursday, March 16, 2023

Time	Topic	Speaker
10:40 a.m.	Call to Order and Roll Call	Herman Stockinger
10:40 a.m.	Public Comments	Various
10:45 a.m.	Act on Consent Agenda <ul style="list-style-type: none">Proposed Resolution #BTE1: to Approve the Regular Meeting Minutes of February 16, 2023	Herman Stockinger
10:50 a.m.	Discuss and Act on Proposed Resolution #BTE2: Bridge & Tunnel Enterprise 7th Budget Supplement for FY'23	Jeff Sudmeier
10:55 a.m.	Discuss and Act on Proposed Resolution #BTE3: Bridge and Tunnel Enterprise FY24 Final Budget Allocation Plan for Approval	Jeff Sudmeier
11:00 a.m.	Other Matters	None
11:05 a.m.	Adjournment	None

Information Only

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- TC Grants Memo (Hannah Reed)

MEMORANDUM

TO: THE COLORADO TRANSPORTATION INVESTMENT OFFICE BOARD OF DIRECTORS
THE COLORADO TRANSPORTATION COMMISSION

FROM: NICK FARBER, CTIO DIRECTOR
PIPER DARLINGTON, BUDGET AND SPECIAL PROJECTS MANAGER
GEORGE HYPOLITE, ATTORNEY GENERAL

SUBJECT: I-25 NORTH TIFIA LOAN WORKSHOP

DATE: MARCH 15, 2023

Purpose:

The purpose of this memo and attached presentation is to provide an overview of the I-25 North TIFIA loan, financing structure and related project documents.

Requested Action:

No action is being requested this month and the purpose of the materials is informational. Staff will return for formal approval of documents related to the transaction in April.

Background:

In August 2020, CTIO began working with the Build America Bureau (BAB) Transportation Infrastructure Finance and Innovation Act (TIFIA) program to explore the idea of a corridor-wide financing strategy that would address current and future needs for the entire I-25 North corridor encompassing I-25 North Segment 2 (US 36 to 120th) to Segment 8 (SH 392 to SH 14). In April 2021, CTIO submitted a formal Letter of Interest (LOI) to start the process of securing a loan.

Current Details:

Since April 2021, CTIO has been working closely with the BAB, its internal advisor team, the Attorney General's office and CDOT leadership to reach financial close on the loan. Revenue performance on I-25 has remained strong even through the COVID-19 pandemic and financial analysis indicates that revenues from the corridor will be more than sufficient to support the TIFIA loan. Future tolls from the Express Lanes on Segments 5-8 will also support debt service and operating costs once they are open for tolling.

To address current needs CTIO is requesting a \$501 million TIFIA loan to:

- Reimburse CTIO for \$24 million in previously incurred eligible construction expenditures for Segment 3. These expenditures were originally paid for with the Bank of America construction loan.
- Fund \$154 million for the construction of Express Lanes in Segment 7 and 8.
- Fund \$323 million for future construction of Segment 5.

There are significant benefits for both the Department and stakeholders by pursuing a corridor-wide financing strategy that address the needs of multiple projects including:

- Leverages toll revenues across the corridor to address short-term financing needs for segments that are already under construction or planned for construction.
- Puts in place a Master Trust Indenture mechanism to access additional financing later in the future (should financing be needed), on other segments.
- Builds on operational segments with a strong operating history to provide a reliable repayment profile as future segments are implemented and completed.
- Establishes a more reliable payment profile, which can enhance access to capital relative to a single segment by segment approach.
- Incorporates facilities in operation, which allows segments to access improved costs of capital and lending terms by mitigating, at least in part, construction, and ramp-up risk.

Please see the attached presentation for more details on the loan structure, flow of funds, the project documents that the CTIO Board and the TC will be asked to approve and how CTIO will work with CDOT to address future projects along the corridor.

CTIO is in the process of finalizing all of the specific project documents with the Build America Bureau and will provide them in April for approval. Draft TC and CTIO Board Resolutions that will authorize the execution of those documents have been provided in Attachment B and Attachment C for review.

Options/Decision Matrix:

Informational only, no action is being requested.

Next Steps:

- CTIO will work with the BAB to finalize all documents and bring them to the TC and the CTIO Board for formal approval in April.

Attachment:

Attachment A: I-25 North TIFIA Loan Overview and Discussion Presentation

Attachment B: Draft CTIO Resolution: Approving Agreements Related to the I-25 North Express Lanes Project

Attachment C: DRAFT TC Proposed Resolution: Approving Agreements Related to the I-25 North Express Lanes Project



COLORADO
**Transportation
Investment Office**

I-25 North TIFIA Loan Overview & Discussion

March 15, 2023

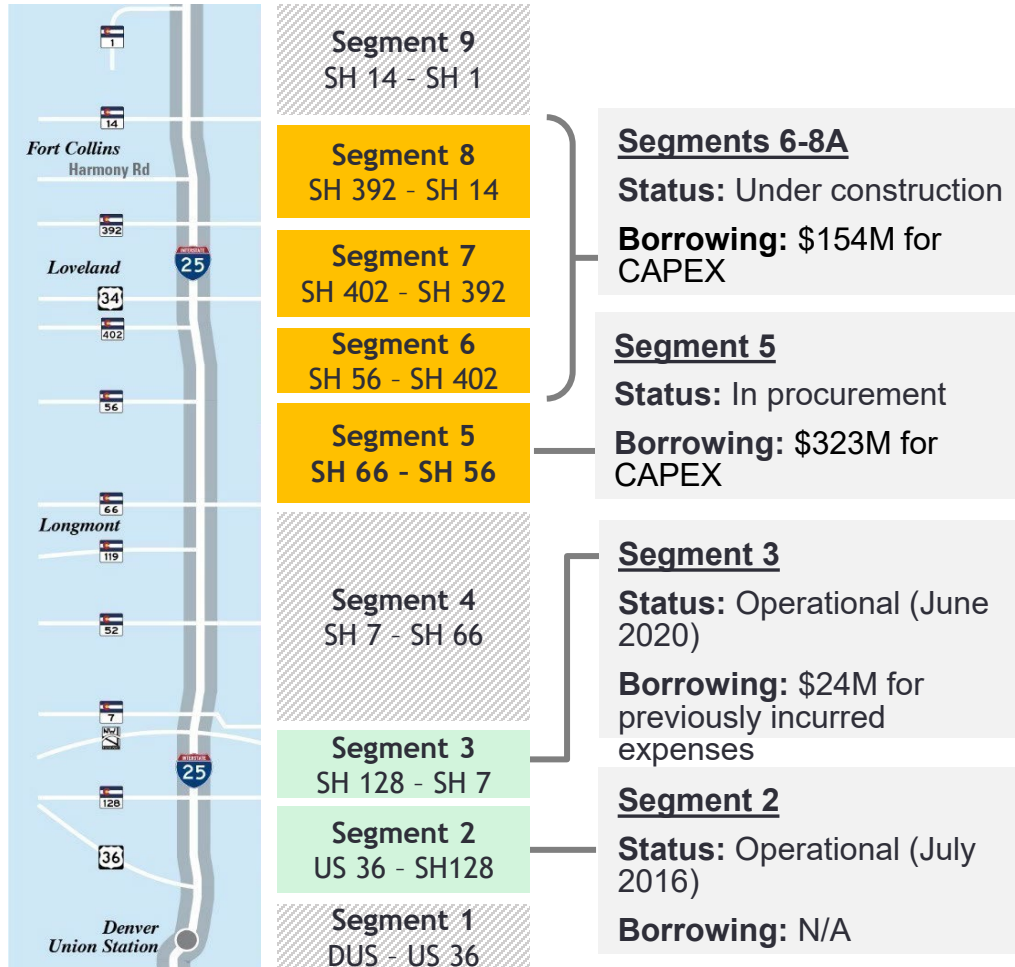
Agenda

- Overview of the Financing, Structure and Scope of Project
- I-25 North Project Documents
- Future Segments
- Next Steps
- Wrap-Up and Q&A

Financing Updates

- Inclusion of Segment 5
 - Segment 5 improvements were not included in the original project scope.
 - Estimated cost of \$430M, funded with state and federal sources as well as TIFIA proceeds.
 - To be constructed under a fixed-price CMGC contract and will begin operations in 2028.
- Loan size increased from \$191M to \$501M
 - TIFIA-eligible costs and maximum loan size increased with inclusion of Segment 5.
 - Segments 2 and 3 provides capacity for loan size increase.
- Advancement of creditworthiness process with Build America Bureau (BAB)
 - Creditworthiness review is currently in process;
 - All project documents and agreements are under final negotiation.
- Revised financing schedule
 - Closing is now anticipated in late Spring 2023

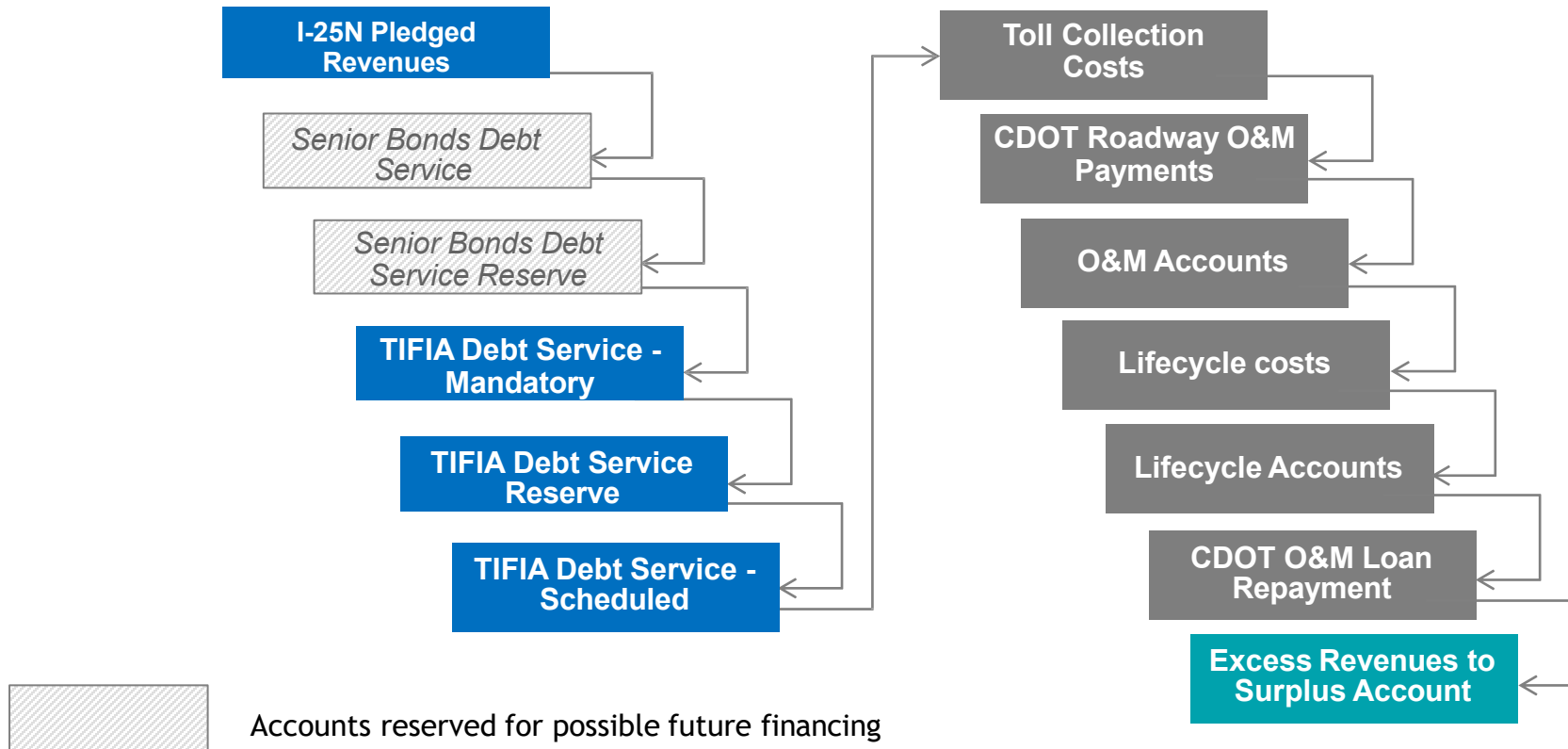
Scope of Project



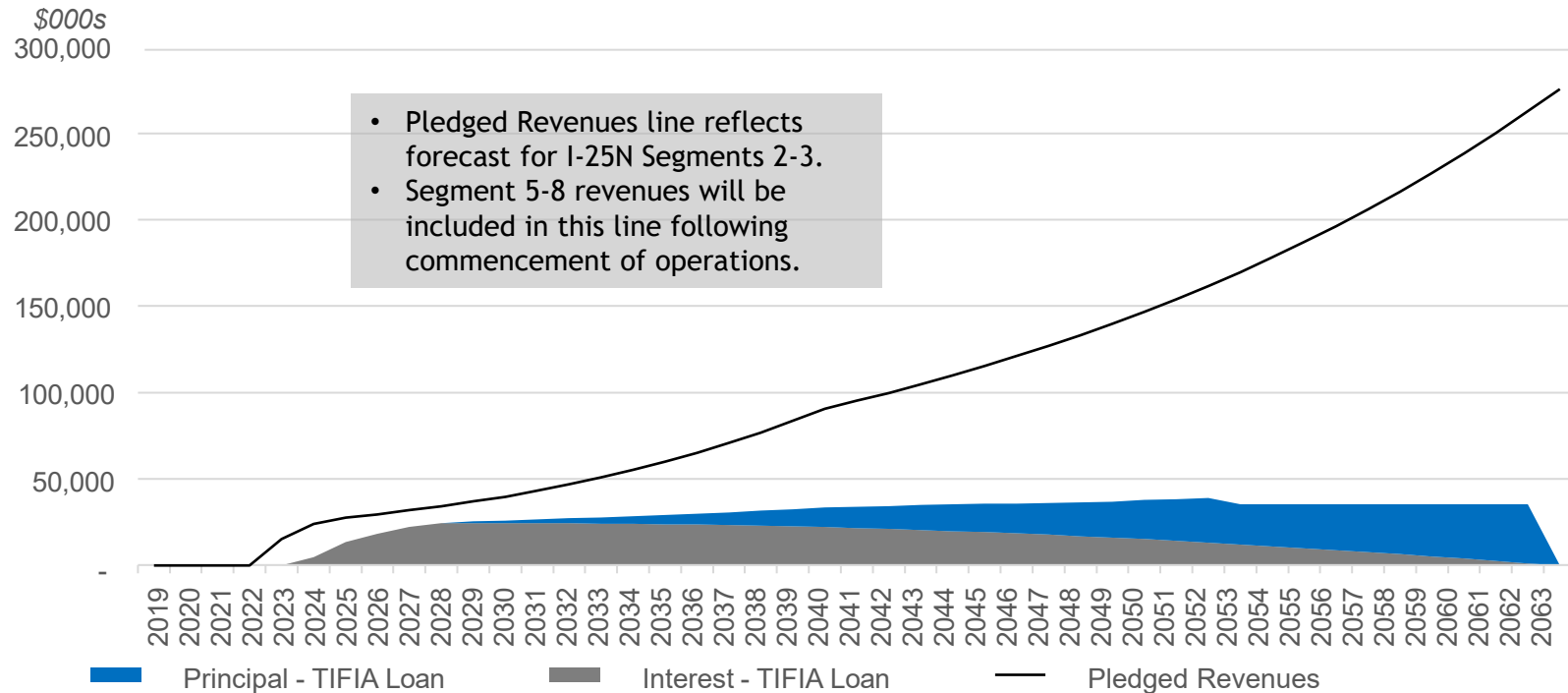
- Segments 6-8 currently under construction, tolling commencement early 2024
- Construction is planned for Segment 5, tolling commencement in first half of 2028.
- Operational Segments 2 and 3 as well as Segments 5-8 will be pledged to debt service.
- Preserves the principles of each segment covering its own allocated debt service and operating costs.
- Segment 1 is operated under a separate revenue-risk P3 agreement and excluded from this financing.

Flow of Funds During Operations

Project debt will benefit from a gross revenue pledge, which initially will be limited to a subordinated TIFIA loan. Proposed structure will accommodate the issuance of senior debt for potential future improvements.



Proposed Debt Service Schedule



*Excludes O&M, lifecycle expenses and movements to/from project reserve accounts, which would be paid from Pledged Revenues after debt service.

- Loan repayment will commence in the period after Segments 6, 7 and 8 achieve substantial completion (but prior to completion of Segment 5 in 2028).
- Loan structure results in near-level debt service, resulting in robust coverage (pledged revenue relative to debt service).

Project Documents- TC Approval

Direct Agreement

- CTIO is entering into a TIFIA Loan for the project but does not have the responsibility to either construct the Project or operate or maintain the Project, TIFIA has insisted that CDOT enter into a Direct Agreement with them and CTIO.
- The Direct Agreement requires CDOT to covenant to certain provisions in the TIFIA Loan.
- The Direct Agreement gives TIFIA direct contractual privity and the ability to enforce certain rights against CDOT.

Project Documents- CTIO Board Approval

TIFIA Loan Agreement

- Outlines all details of the transaction, including all reporting and disclosure requirement, loan terms and obligations of CTIO during the construction and operations periods.

Master Trust Indenture

- Creates rules and responsibilities that each party must adhere to related to all Pledged Revenues of the I-25 North Project.
- Directs the flow of the corridor Pledged Revenues to the accounts and how much goes into each account on a monthly basis.
- Details CTIO's specific responsibilities with respect to the I-25 North Project related to construction, revenue generation, and operation and maintenance of the project

Project Documents- Joint Approval

Intra-Agency Agreement

- Documents the substantive terms of how CDOT and CTIO work together and allocate rights and responsibilities on the project.
- Provides TIFIA with certainty regarding CTIO and CDOT's roles and responsibilities.
- Documents the necessary contractual obligations between CDOT and HPTE.

Addressing Future Segments

- Upon completion of the I-25 Segment 2 Safety Improvements Study and the determination of project scope and cost, CDOT and CTIO can review options for participating in the project through financing or excess toll revenue.
- CTIO has built-in as much flexibility as possible to its documents to help address Segment 2 when the project is ready as well as Segment 3 and 4 in the future.



Next Steps

- Finalize all documents
- Formal approval of documents by the TC and CTIO Board
- Finalize and submit application to Credit Review Team (CRT)
- Council for Credit and Finance Committee (CCF) provides approval of the application
- USDOT Secretary Approval
- Final Ratings reports from Rating Agencies
- Loan Closing and Financial Close (spring 2023)

Questions?

Resolution – CTIO #

Approving an Intra-Agency Agreement with CDOT, a Loan Agreement with the U.S. Department of Transportation, Build America Bureau (“TIFIA”), a Master Trust Indenture with TIFIA, and a Direct Agreement with TIFIA for the 1-25 North Express Lanes Project.

WHEREAS, the General Assembly created the Colorado High Performance Transportation Enterprise (“CTIO”), pursuant to § 43-4-806, C.R.S., as a government-owned business within the Colorado Department of Transportation (“CDOT”) to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS, CTIO is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure, and is further authorized pursuant to Section 43-4-806(2)(c)(III), C.R.S. to contract with any governmental or non-governmental source of funding for loans to be used in support of CTIO’s functions; and

WHEREAS, CDOT, in partnership with CTIO, is working to complete, implement and operate certain transportation infrastructure projects in the I-25 North Corridor (collectively, “I-25 North Express Lane Project”), which comprises six segments (each, a “Segment”) of Interstate 25 North of the U.S. Highway 36 interchange (“I-25 North”). Such projects include, among other components, completion of a tolled express lane in each direction (collectively, “Express Lanes”) and completion of the general purpose lanes adjacent to the Express Lanes (collectively, “General Purpose Lanes”), which Express Lanes and General Purpose Lanes are located in: (i) an approximately 6-mile segment of I-25 North between the U.S. Highway 36 interchange and the State Highway 128 (120th Avenue) interchange (“Segment 2”); (ii) an approximately 6-mile segment of I-25 North between the State Highway 128 (120th Avenue) interchange and the E-470/Northwest Parkway interchange (“Segment 3”); (iii) an approximately 7-mile segment of I-25 North between the State Highway 66 interchange and the State Highway 56 interchange (“Segment 5”); (iv) an approximately 5-mile segment of I-25 North between the State Highway 56 interchange and the State Highway 402 interchange (“Segment 6”); (v) an approximately 7-mile segment of I-25 North between the State Highway 402 interchange and the State Highway 392 interchange (“Segment 7”); and (vi) an approximately 7-mile segment of I-25 North between the State Highway 392 interchange and the State Highway 14 interchange (“Segment 8”);and

WHEREAS, CDOT and CTIO have completed the planning, designing, engineering, acquisition, installation, construction, repair, and reconstruction of the components of the I-25 North Express Lanes Project consisting of Express Lanes located in Segments 2 and 3 (the “Segment 2 Express Lanes Project” and the “Segment 3 Express Lanes Project,”

respectively), and said Express Lanes in such Segments are currently open for tolled traffic; and

WHEREAS, CDOT has requested CTIO's involvement in the planning, designing, engineering, acquisition, installation, construction, repair, and reconstruction of the components of the I-25 North Express Lanes Project consisting of Express Lanes located in Segments 5, 6, 7 and 8 (collectively, the "Segments 5-8 Express Lanes Project" and, collectively with the Segment 2 Express Lanes Project and the Segment 3 Express Lanes Project, the "I 25 North Express Lanes Project") to provide for the variety of benefits CDOT will receive from implementing tolling on such Express Lanes, including, but not limited to, allowing CDOT to better manage congestion over the long term on I-25 North and providing the traveling public with the choice of a new travel lane with more reliable and efficient travel times; and

WHEREAS, consistent with CTIO's statutory purpose as a government-owned business and enterprise for purposes of Article X, Section 20 of the Colorado Constitution, and in order to finance the I-25 North Express Lanes Project, CTIO intends to enter into certain Financing Agreements (as hereinafter defined) pursuant to which CTIO will pledge all amounts received by CTIO from tolls, rates, and other user fees imposed by CTIO pursuant to C.R.S. § 43-4-806(2)(C)(I) for the privilege of traveling on the Express Lanes completed as components of the I-25 North Express Lanes Project ("Gross Revenues"); and

WHEREAS, CTIO currently intends to finance a portion of the costs of the I 25 North Express Lanes Project with the proceeds of a credit facility from the U.S. Department of Transportation, acting by and through the Executive Director of the Build America Bureau (as so acting, "TIFIA Lender"), pursuant to the Transportation Infrastructure Finance and Innovation Act ("TIFIA") program ("TIFIA Loan" or "Financing"); and

WHEREAS, the TIFIA Loan will fund the payment of certain costs and expenses of: (i) the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction of the Segments 5-8 Express Lanes Project, and other lawful expenses and costs related thereto; and (ii) associated transaction costs; and

WHEREAS, to effect the Financing, CTIO will enter into that certain Master Trust Indenture ("MTI), between CTIO and Zions Bancorporation, National Association, as trustee ("Trustee"), and will also enter into that certain TIFIA Loan Agreement ("TLA") with the TIFIA Lender, which loan will be evidenced by a bond ("TIFIA Bond") issued by CTIO to the TIFIA Lender pursuant to the MTI. The Master Trust Indenture, the First Supplemental Trust Indenture, the TIFIA Loan Agreement and the TIFIA Bond are referred to hereinafter collectively as the "Financing Agreements"; and

WHEREAS, CDOT has entered into a CM/GC Construction Project Contract dated July 3, 2019 ("Segment 5/6 Construction Contract") with RLW/SEMA, a Joint Venture, L.P. ("Segment 5/6 General Contactor") for the construction of the components of the I-25 North Express Lane Project located in Segments 5 and 6, which Segment 5/6

Construction Contract establishes, among other things, minimum insurances to be provided by the Segment 5/6 General Contactor during the construction period, certain required parent guarantees and payment and performance bonds, and sets forth liquidated damages to be assessed by CDOT in the event such components of the I-25 North Express Lane Project are not completed within the timeframe set forth in the Segment 5/6 Construction Contract; and

WHEREAS, CDOT has entered into a Design/Build Contract dated February 13, 2018 (“Segment 7/8 D-B Contract” and, collectively with the Segment 5/6 Construction Contract, “Construction Contracts”), with Kraemer/IHC Joint Venture (“Segment 7/8 Design Builder” and, collectively with the Segment 5/6 General Contractor, “Construction Contractors”) for the design and construction of the components of the I-25 North Corridor Project located in Segments 7 and 8, which Segment 7/8 D-B Contract establishes, among other things, minimum insurances to be provided by the Segment 7/8 Design Builder during the construction period, certain required parent guarantees and payment and performance bonds, and sets forth liquidated damages to be assessed by CDOT in the event such components of the I-25 North Express Lanes Project are not completed within the timeframe set forth in the Segment 7/8 D-B Contract.

WHEREAS, because the Project is a joint effort between CDOT and CTIO, and CTIO does not have the responsibility to either construct the Project or operate or maintain the Project, the TIFIA Lender has required as a condition of the financing that CDOT, CTIO, and the TIFIA Lender enter into a direct agreement for the Project (“Direct Agreement”); and

WHEREAS, the Board has reviewed the terms and conditions of the TLA, MTI, IAA, and Direct Agreement and the obligations of CTIO contained therein; and

WHEREAS, the Board desires to reaffirm that any payment made by CDOT to CTIO under the IAA and/or Direct Agreement shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, constitute a loan from the Transportation Commission to CTIO and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the State Constitution; and

NOW THEREFORE BE IT RESOLVED, the Board hereby approves the IAA with CDOT in substantially the form presented and authorizes the CTIO Director to execute the IAA with such revisions or modifications, not inconsistent with this Resolution, as the CTIO Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval.

BE IT FURTHER RESOLVED, the Board hereby approves the TLA with the TIFIA Lender in substantially the form presented and authorizes the CTIO Director to execute the TLA with such revisions or modifications, not inconsistent with this Resolution, as the CTIO

Attachment B: DRAFT CTIO Resolution Approving Agreements Related to the I-25 North Express Lanes Project

Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval.

BE IT FURTHER RESOLVED, the Board hereby approves the MTI with Zions Bancorporation, National Association in substantially the form presented and authorized the CTIO Director to execute the IAA with such revisions or modifications, not inconsistent with this Resolution, as the CTIO Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval.

BE IT FURTHER RESOLVED, the Board hereby approves the Direct Agreement with CDOT and the TIFIA Lender in substantially the form presented and authorizes the CTIO Director to execute the Direct Agreement with such revisions or modifications, not inconsistent with this Resolution, as the CTIO Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval.

BE IT FURTHER RESOLVED, the Board hereby authorizes the CTIO Director to take all additional actions the CTIO Director deems necessary and appropriate to finalize the I-25 North Express Lanes Project.

Signed as of April [], 2023

Simon Logan
Secretary, CTIO Board

Proposed Resolution #

Approving an Intra-Agency Agreement between the Colorado Department of Transportation and the Colorado High Performance Transportation Enterprise and a Direct Agreement between the Colorado Department of Transportation, the High Performance Transportation Enterprise and TIFIA for the I-25 North Express Lanes Project.

Approved by the Transportation Commission on _____.

WHEREAS, pursuant to Section 43-1-106(8), C.R.S, the Transportation Commission is responsible for formulating the general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

WHEREAS, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (“CDOT”) and state transportation programs; and

WHEREAS, the General Assembly created the Colorado High Performance Transportation Enterprise (“CTIO”), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS, CTIO is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure, and is further authorized pursuant to Section 43-4-806(2)(c)(III), C.R.S. to contract with any governmental or non-governmental source of funding for loans to be used in support of CTIO’s functions; and

WHEREAS, CDOT, in partnership with CTIO, is working to complete, implement and operate certain transportation infrastructure projects in the I-25 North Corridor (collectively, “I-25 North Express Lane Project”), which comprises six segments (each, a “Segment”) of Interstate 25 North of the U.S. Highway 36 interchange (“I-25 North”). Such projects include, among other components, completion of a tolled express lane in each direction (collectively, “Express Lanes”) and completion of the general purpose lanes adjacent to the Express Lanes (collectively, “General Purpose Lanes”), which Express Lanes and General Purpose Lanes are located in: (i) an approximately 6-mile segment of I-25 North between the U.S. Highway 36 interchange and the State Highway 128 (120th Avenue) interchange (“Segment 2”); (ii) an approximately 6-mile segment of I-25 North between the State Highway 128 (120th Avenue) interchange and the E-470/Northwest Parkway interchange (“Segment 3”); (iii) an approximately 7-mile segment of I-25 North between the State Highway 66 interchange and the State Highway 56 interchange (“Segment 5”); (iv) an approximately 5-mile segment of I-25 North between the State Highway 56 interchange and the State Highway 402 interchange (“Segment 6”); (v) an approximately 7-mile segment of I-25 North between the State Highway 402 interchange and the State Highway 392 interchange (“Segment 7”); and (vi) an approximately 7-mile segment of I-25 North between the State Highway 392 interchange

Attachment C: DRAFT TC Resolution Approving Agreements Related to the I-25 North Express Lanes Project

and the State Highway 14 interchange (“Segment 8”);and

WHEREAS, CDOT has requested CTIO’s involvement in the planning, designing, engineering, acquisition, installation, construction, repair, and reconstruction of the components of the I-25 North Express Lanes Project consisting of Express Lanes located in Segments 5, 6, 7 and 8 (collectively, the “Segments 5-8 Express Lanes Project” and, collectively with the Segment 2 Express Lanes Project and the Segment 3 Express Lanes Project, the “I 25 North Express Lanes Project”) to provide for the variety of benefits CDOT will receive from implementing tolling on such Express Lanes, including, but not limited to, allowing CDOT to better manage congestion over the long term on I-25 North and providing the traveling public with the choice of a new travel lane with more reliable and efficient travel times; and

WHEREAS, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may authorize the transfer of money from the state highway fund to CTIO to defray expenses of CTIO; and

WHEREAS, consistent with CTIO’s statutory purpose as a government-owned business and enterprise for purposes of Article X, Section 20 of the Colorado Constitution, and in order to finance the I-25 North Express Lanes Project, CTIO intends to enter into certain Financing Agreements (as hereinafter defined) pursuant to which CTIO will pledge all amounts received by CTIO from tolls, rates, and other user fees imposed by CTIO pursuant to C.R.S. § 43-4-806(2)(C)(I) for the privilege of traveling on the Express Lanes completed as components of the I-25 North Express Lanes Project (“Gross Revenues”); and

WHEREAS, CTIO currently intends to finance a portion of the costs of the I 25 North Express Lanes Project with the proceeds of a credit facility from the U.S. Department of Transportation, acting by and through the Executive Director of the Build America Bureau (as so acting, “TIFIA Lender”), pursuant to the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) program (“TIFIA Loan” or “Financing”); and

WHEREAS, the TIFIA Loan will fund the payment of certain costs and expenses of: (i) the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction of the Segments 5-8 Express Lanes Project, and other lawful expenses and costs related thereto; and (ii) associated transaction costs; and

WHEREAS, because the Project is a joint effort between CDOT and CTIO and because CTIO does not have the responsibility to either construct the Project or operate or maintain the Project, TIFIA has insisted that CDOT, CTIO, and TIFIA enter into a direct agreement for the Project (“Direct Agreement”); and

WHEREAS, the Transportation Commission has reviewed the Direct Agreement and a memo on the Direct Agreement prepared by staff; and

WHEREAS, the Direct Agreement requires CDOT to covenant to certain provision in the TIFIA Loan, including provisions concerning operations and maintenance responsibilities,

Attachment C: DRAFT TC Resolution Approving Agreements Related to the I-25 North Express Lanes Project

construction of the Project, and insurance; and

WHEREAS, any payment made by CDOT under its obligations outlined in the Direct Agreement or any loan that CDOT provides CTIO pursuant to the IAA shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, constitute a loan from the Transportation Commission to CTIO and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the State Constitution; and

WHEREAS, the Transportation Commission recognizes and respects the legal principle that it cannot bind future Transportation Commissions with respect to budgetary and policy decisions, recognizes it cannot agree, in advance, to allocate and transfer state highway funds for a loan to CTIO, and agrees that any decision as to whether or not to allocate and transfer such funds for such purposes shall be made by the Transportation Commission, in its sole discretion, in the year in which the CTIO request occurs; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the IAA between CDOT and CTIO and authorizes the CDOT Executive Director or his delegee to execute the IAA with such changes therein and additions thereto, not inconsistent with this Resolution, as are approved by the CDOT Executive Director or his delegee (whose signature thereon shall constitute conclusive evidence of such approval).

BE IT FURTHER RESOLVED, the Transportation Commission approves the Direct Agreement CDOT, CTIO, and TIFIA and authorizes the CDOT Executive Director or his delegee to execute the Direct Agreement with such changes therein and additions thereto, not inconsistent with this Resolution, as are approved by the CDOT Executive Director or his delegee (whose signature thereon shall constitute conclusive evidence of such approval).

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: MARCH 15, 2023
SUBJECT: FY 2023-24 FINAL ANNUAL BUDGET ALLOCATION PLAN

Purpose

To present the FY 2023-24 Final Annual Budget Allocation Plan for Transportation Commission (TC) adoption.

Action

The Division of Accounting and Finance (DAF) is requesting that the TC adopt the FY 2023-24 Final Annual Budget Allocation Plan.

FY 2023-24 Final Annual Budget Allocation Plan

The FY 2023-24 Final Annual Budget Allocation Plan is available on the Department's website: <https://www.codot.gov/business/budget/cdot-budget/fy-2023-2024-budget-reports-information/fy-2023-2024-final-budget-allocation-plan>. In addition to the Budget Narrative, the following Appendices to the FY 2023-24 Budget are available:

- FY 2023-24 Revenue Allocation Plan
- FY 2023-24 Spending Plan
- List of Open Projects and Unexpended Project Balances
- List of Planned Projects
- FY 2023-24 Estimated Construction Budget
- FY 2023-24 CE and Indirect Allocations
- CDOT Personnel Report

The FY 2023-24 Final Annual Budget totals \$1,797.5 million (including the CDOT Enterprises) and allocates:

- \$733.4 M to capital construction programs
- \$461.5 M to maintenance and operations programs
- \$317.7 M to suballocated programs
- \$53.9 M to multimodal services
- \$118.4 M to administration and agency operations
- \$112.3 M to debt service, contingency reserve, and other programs

The FY 2023-24 Final Revenue Allocation Plan is balanced, with all flexible revenue allocated. Revenues specific to a program that are considered inflexible (i.e., FAST Act and State mandated programs such as safety education and Aeronautics) have been automatically adjusted based on the FY 2023-24 Revenue Forecast. Asset Management and Maintenance programs are funded according to the FY 2023-24 Asset Management Planning Totals, approved by the TC in November 2019. All other program revenues are flexible and are initially set based on the FY 2022-23 budget amounts as adopted by the TC in March 2022 (and subsequently amended), and then modified through the work plan budget and decision item processes.

Changes to the Final Budget

There are two changes that were made to the Final Budget since TC reviewed the budget in February 2023:

- Revenue for the Colorado Transportation Investment Office (CTIO) was reduced from \$71.7 million to \$70.2 million to account for a correction to CTIO's forecast for fine revenue and to match the FY 2023-24 budget that was adopted by the CTIO Board in February 2023. This action reduced the overall budget by \$1.5 million over the total budget that was presented for review in February 2022.
- The total allocation to the Maintenance Level of Service (MLOS) program remains unchanged at \$284.9 million; however, the allocation of the total was adjusted across Maintenance Program Areas (MPAs; Lines 24-32) based on the estimated need for each MPA for FY 2023-24.

FY 2023-24 Revenue Allocation Plan

The Revenue Allocation Plan (see Attachment A) now includes estimated roll-forwards for FY 2022-23 to provide the complete budget that is available for planning and programming in FY 2023-24. For most programs, the estimated amounts are calculated using a straight-line projection methodology with year-to-date encumbrances through December 2022. The roll forward budget from FY 2022-23 that is available in FY 2023-24 is currently estimated at \$1,321.7 million, for a total FY 2023-24 budget of \$3,119.3 million for CDOT and the enterprises. This amount will be updated after the end of the fiscal year to reflect final year-end amounts. The majority of rolled forward funds are programmed and committed but have not yet been budgeted or encumbered in contracts. As projects proceed to advertisement later this fiscal year and into next fiscal year, funds will be budgeted and encumbered.

FY 2023-24 Spending Plan

The Spending Plan (see Attachment B) was developed to more clearly communicate the complex nature of multi-year capital budgeting. While the Revenue Allocation Plan shows how the Department is planning for an additional year of revenue, the Spending Plan shows how the Department anticipates existing fund balances and anticipated revenues will spend during the year. The Spending Plan is now populated with the Department's anticipated expenditures for FY 2023-24 by budget category, using the same primary budget categories that are used in the Revenue Allocation Plan (e.g. Capital Construction, Maintenance and Operations, etc.). Within each primary budget category, expenses are then broken down by General Ledger account code to provide greater visibility into planned expenditures.

For the Capital Construction program, estimated amounts are based on a combination of forecasted spending by the Program Reporting and Transparency Office and an average of prior year expenditures. For other budget categories, estimated amounts are based on an average of prior year expenditures and budgeted amounts for FY 2023-24.

For FY 2023-24, the Department estimates that it will spend approximately \$2,483.3 million across all program areas, including capital construction, maintenance, suballocated programs, administration, Enterprises, etc. The Department will update the Spending Plan quarterly during FY 2023-24 and provide actual expenditures for comparison.

Options and Recommendation

Pursuant to Section 43-1-113 (9)(c), C.R.S., the TC is required to adopt a Final Annual Budget Allocation Plan for the upcoming fiscal year by April 15. DAF requests TC adoption of the FY 2023-24 Final Annual Budget Allocation Plan. Options include:

1. Adopt the FY 2023-24 Final Annual Budget Allocation Plan by resolution. (Staff Recommendation)

2. Request additional changes to the FY 2023-24 Final Annual Budget Allocation Plan prior to April 15, 2023.

Next Steps

Upon Adoption, the FY 2023-24 Final Annual Budget Allocation Plan will be delivered to the Governor on or before April 15, 2023. The TC has the authority to amend the budget after this date. The budget may also be changed according to the revised common policy or other legislatively approved changes.

Attachments

Attachment A - FY 2023-24 Revenue Allocation Plan
Attachment B - FY 2023-24 Spending Plan
Attachment C - Presentation

FY 2023-24 Revenue Allocation Plan

Line	Budget Category / Program	A. Estimated Rollforward from FY 2022-23*	B. FY 2022-23 Final Allocation Plan	C. FY 2023-24 Final Allocation Plan	FY 2023-24 Total Final Available Budget (A+C)	Directed By	Funding Source
1 COLORADO DEPARTMENT OF TRANSPORTATION							
2	Capital Construction	\$457.2 M	\$647.9 M	\$631.7 M	\$1,088.9 M		
3	Asset Management	\$120.4 M	\$392.3 M	\$399.3 M	\$519.7 M		
4	Surface Treatment	\$1.0 M	\$225.6 M	\$225.6 M	\$226.6 M	TC	FHWA / SH / SB 09-108
5	Structures	\$9.0 M	\$62.5 M	\$63.3 M	\$72.3 M	TC	FHWA / SH / SB 09-108
6	System Operations	\$7.4 M	\$26.9 M	\$26.3 M	\$33.7 M	TC	FHWA / SH
7	Geohazards Mitigation	\$1.0 M	\$10.0 M	\$9.7 M	\$10.7 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$2.0 M	\$6.5 M	\$6.5 M	\$8.5 M	TC	FHWA / SH
9	Emergency Relief	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	FR	FHWA
10	10 Year Plan Projects - Capital AM	\$100.0 M	\$60.9 M	\$68.0 M	\$168.0 M	TC / FR	FHWA
11	Safety	\$21.2 M	\$121.6 M	\$115.6 M	\$136.8 M		
12	Highway Safety Improvement Program	\$5.0 M	\$39.4 M	\$42.9 M	\$47.9 M	FR	FHWA / SH
13	Railway-Highway Crossings Program	\$0.0 M	\$3.6 M	\$3.8 M	\$3.8 M	FR	FHWA / SH
14	Hot Spots	\$0.0 M	\$2.2 M	\$2.7 M	\$2.7 M	TC	FHWA / SH
15	FASTER Safety	\$10.2 M	\$69.2 M	\$59.0 M	\$69.2 M	TC	SB 09-108
16	ADA Compliance	\$6.0 M	\$7.2 M	\$7.2 M	\$13.2 M	TC	FHWA / SH
17	Mobility	\$315.6 M	\$134.1 M	\$116.8 M	\$432.4 M		
18	Regional Priority Program	\$40.0 M	\$50.0 M	\$50.0 M	\$90.0 M	TC	FHWA / SH
19	10 Year Plan Projects - Capital Mobility	\$260.0 M	\$63.4 M	\$42.9 M	\$302.9 M	SL	FHWA / SB 17-267 / SB 21-260
20	Freight Programs	\$15.6 M	\$20.7 M	\$23.9 M	\$39.5 M	FR	FHWA / SH / SL
21	Maintenance and Operations	\$23.4 M	\$372.3 M	\$394.5 M	\$417.9 M		
22	Asset Management	\$14.8 M	\$336.1 M	\$358.1 M	\$372.8 M		
23	Maintenance Program Areas	\$0.0 M	\$273.8 M	\$284.9 M	\$284.9 M		
24	Roadway Surface	\$0.0 M	\$37.7 M	\$40.9 M	\$40.9 M	TC	SH
25	Roadside Facilities	\$0.0 M	\$22.8 M	\$24.2 M	\$24.2 M	TC	SH
26	Roadside Appearance	\$0.0 M	\$10.8 M	\$9.3 M	\$9.3 M	TC	SH
27	Structure Maintenance	\$0.0 M	\$5.7 M	\$5.6 M	\$5.6 M	TC	SH
28	Tunnel Activities	\$0.0 M	\$6.4 M	\$5.0 M	\$5.0 M	TC	SH
29	Snow and Ice Control	\$0.0 M	\$84.1 M	\$84.8 M	\$84.8 M	TC	SH
30	Traffic Services	\$0.0 M	\$71.9 M	\$75.7 M	\$75.7 M	TC	SH
31	Materials, Equipment, and Buildings	\$0.0 M	\$18.2 M	\$21.1 M	\$21.1 M	TC	SH
32	Planning and Scheduling	\$0.0 M	\$16.1 M	\$18.1 M	\$18.1 M	TC	SH
33	Express Lane Corridor Maintenance and Operations	\$2.5 M	\$11.0 M	\$12.1 M	\$14.5 M	TC	SH
34	Property	\$0.4 M	\$27.9 M	\$25.6 M	\$26.0 M	TC	SH
35	Capital Equipment	\$9.9 M	\$23.4 M	\$23.5 M	\$33.4 M	TC	SH
36	Maintenance Reserve Fund	\$2.0 M	\$0.0 M	\$12.0 M	\$14.0 M	TC	SH
37	Safety	\$1.0 M	\$12.2 M	\$12.2 M	\$13.2 M		
38	Strategic Safety Program	\$1.0 M	\$12.2 M	\$12.2 M	\$13.2 M	TC	FHWA / SH
39	Mobility	\$7.6 M	\$24.0 M	\$24.3 M	\$31.9 M		
40	Real-Time Traffic Operations	\$2.6 M	\$14.0 M	\$14.3 M	\$16.9 M	TC	SH
41	ITS Investments	\$5.0 M	\$10.0 M	\$10.0 M	\$15.0 M	TC	FHWA / SH
42	Multimodal Services & Electrification	\$137.7 M	\$55.1 M	\$45.7 M	\$183.4 M		
43	Mobility	\$137.7 M	\$55.1 M	\$45.7 M	\$183.4 M		
44	Innovative Mobility Programs	\$10.0 M	\$8.9 M	\$9.0 M	\$19.0 M	TC	FHWA / SH
45	National Electric Vehicle Program	\$0.0 M	\$11.3 M	\$14.5 M	\$14.5 M	FR	FHWA
46	10 Year Plan Projects - Multimodal	\$119.3 M	\$17.2 M	\$12.3 M	\$131.6 M	TC	FHWA / SB 17-267, SB 21-260
47	Rail Commission	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	SL	SL
48	Bustang	\$8.4 M	\$8.8 M	\$9.8 M	\$18.2 M	TC	SB 09-108 / Fare Rev. / SB 21-260
49	Suballocated Programs	\$340.5 M	\$373.2 M	\$310.0 M	\$650.5 M		
50	Aeronautics	\$12.5 M	\$35.3 M	\$64.2 M	\$76.7 M		
51	Aviation System Program	\$12.5 M	\$35.3 M	\$64.2 M	\$76.7 M	AB	SA
52	Highway	\$134.0 M	\$143.9 M	\$151.9 M	\$285.9 M		
53	STBG-Urban (STP-Metro)	\$90.0 M	\$61.9 M	\$66.0 M	\$156.0 M	FR	FHWA / LOC
54	Congestion Mitigation and Air Quality	\$32.0 M	\$51.7 M	\$52.8 M	\$84.8 M	FR	FHWA / LOC
55	Metropolitan Planning	\$0.0 M	\$10.7 M	\$10.7 M	\$10.7 M	FR	FHWA / FTA / LOC
56	Off-System Bridge Program	\$12.0 M	\$19.5 M	\$22.4 M	\$34.4 M	TC / FR	FHWA / SH / LOC
57	Transit and Multimodal	\$194.0 M	\$194.1 M	\$94.0 M	\$288.0 M		
58	Recreational Trails	\$1.0 M	\$1.6 M	\$1.6 M	\$2.6 M	FR	FHWA
59	Safe Routes to School	\$3.0 M	\$3.1 M	\$3.1 M	\$6.1 M	TC	FHWA / LOC
60	Transportation Alternatives Program	\$30.0 M	\$20.6 M	\$21.6 M	\$51.6 M	FR	FHWA / LOC
61	Transit Grant Programs	\$60.0 M	\$61.0 M	\$51.7 M	\$111.7 M	FR / SL / TC	FTA / LOC / SB 09-108
62	Multimodal Options Program - Local	\$45.0 M	\$97.6 M	\$6.3 M	\$51.3 M	SL	SB 21-260
63	Carbon Reduction Program - Local	\$15.0 M	\$9.5 M	\$9.6 M	\$24.6 M	FR	FHWA / LOC
64	Revitalizing Main Streets Program	\$40.0 M	\$0.7 M	\$0.0 M	\$40.0 M	SL / TC	SB 21-260
65	Administration & Agency Operations	\$2.0 M	\$105.3 M	\$112.1 M	\$114.1 M		
66	Agency Operations	\$2.0 M	\$59.7 M	\$66.2 M	\$68.2 M	TC / AB	FHWA / SH / SA / SB 09-108
67	Administration	\$0.0 M	\$42.9 M	\$44.5 M	\$44.5 M	SL	SH
68	Project Initiatives	\$0.0 M	\$2.6 M	\$1.4 M	\$1.4 M	TC	SH
69	Debt Service	\$171.3 M	\$0.0 M	\$28.4 M	\$199.7 M		
70	Debt Service	\$171.3 M	\$0.0 M	\$28.4 M	\$199.7 M	DS	SH
71	Contingency Reserve	\$90.0 M	\$0.0 M	\$0.0 M	\$90.0 M		
72	Contingency Fund	\$30.0 M	\$0.0 M	\$0.0 M	\$30.0 M	TC	FHWA / SH
73	Commission Reserve Funds	\$60.0 M	\$0.0 M	\$0.0 M	\$60.0 M	TC	FHWA / SH
74	Other Programs	\$31.0 M	\$29.5 M	\$34.3 M	\$65.4 M		
75	Safety Education	\$20.0 M	\$14.1 M	\$15.8 M	\$35.8 M	TC/FR	NHTSA / SSE
76	Planning and Research	\$3.0 M	\$15.1 M	\$17.4 M	\$20.4 M	FR	FHWA / SH
77	State Infrastructure Bank	\$8.0 M	\$0.3 M	\$1.1 M	\$9.1 M	TC	SIB
78	TOTAL - CDOT	\$1,253.2 M	\$1,583.3 M	\$1,556.7 M	\$2,809.9 M		

Line	Budget Category / Program	A. Estimated Rollforward from FY 2022-23*	B. FY 2022-23 Final Allocation Plan	C. FY 2023-24 Final Allocation Plan	FY 2023-24 Total Final Available Budget (A+C)	Directed By	Funding Source
79	COLORADO BRIDGE & TUNNEL ENTERPRISE						
80	Capital Construction	\$16.8 M	\$94.5 M	\$101.7 M	\$118.4 M		
81	Asset Management-BTE	\$16.8 M	\$94.5 M	\$101.7 M	\$118.4 M		
82	Bridge Enterprise Projects	\$16.8 M	\$94.5 M	\$101.7 M	\$118.4 M	BEB	SB 09-108, SB 21-260
83	Maintenance and Operations	\$0.0 M	\$0.8 M	\$0.8 M	\$0.8 M		
84	Asset Management-BTE.	\$0.0 M	\$0.8 M	\$0.8 M	\$0.8 M		
85	Maintenance and Preservation	\$0.0 M	\$0.8 M	\$0.8 M	\$0.8 M	BEB	SB 09-108
86	Administration & Agency Operations	\$0.0 M	\$1.9 M	\$1.8 M	\$1.8 M		
87	Agency Operations-BTE	\$0.0 M	\$1.9 M	\$1.8 M	\$1.8 M	BEB	SB 09-108
88	Debt Service	\$0.0 M	\$48.0 M	\$48.7 M	\$48.7 M		
89	Debt Service-BTE	\$0.0 M	\$48.0 M	\$48.7 M	\$48.7 M	BEB	FHWA / SH
90	TOTAL - BRIDGE & TUNNEL ENTERPRISE	\$16.8 M	\$145.2 M	\$153.0 M	\$169.7 M		

91	COLORADO TRANSPORTATION INVESTMENT OFFICE (CTIO)						
92	Maintenance and Operations-CTIO	\$41.5 M	\$36.1 M	\$66.2 M	\$107.6 M		
93	Express Lanes Operations	\$41.5 M	\$36.1 M	\$66.2 M	\$107.6 M	HPTEB	Tolls / Managed Lanes Revenue
94	Administration & Agency Operations-CTIO	\$3.4 M	\$4.1 M	\$4.1 M	\$7.4 M		
95	Agency Operations-CTIO	\$3.4 M	\$4.1 M	\$4.1 M	\$7.4 M	HPTEB	Fee for Service
96	Debt Service-CTIO	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M		
97	Debt Service-CTIO	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	HPTEB	Fee for Service
98	TOTAL - COLORADO TRANSPORTATION INVESTMENT OF	\$44.8 M	\$40.1 M	\$70.2 M	\$115.1 M		

99	CLEAN TRANSIT ENTERPRISE						
100	Suballocated Programs	\$0.0 M	\$6.8 M	\$7.7 M	\$7.7 M		
101	Transit and Multimodal	\$0.0 M	\$6.8 M	\$7.7 M	\$7.7 M		
102	CTE Projects	\$0.0 M	\$6.8 M	\$7.7 M	\$7.7 M	CTB	SB 21-260
103	Administration & Agency Operations	\$0.0 M	\$1.4 M	\$1.5 M	\$1.5 M		
104	Agency Operations-CTE	\$0.0 M	\$0.6 M	\$0.6 M	\$0.6 M	CTB	SB 21-260
105	Contingency Reserve-CTE	\$0.0 M	\$0.8 M	\$0.9 M	\$0.9 M	CTB	SB 21-260
106	Debt Service	\$0.0 M	\$0.1 M	\$0.0 M	\$0.0 M		
107	Debt Service-CTE	\$0.0 M	\$0.1 M	\$0.0 M	\$0.0 M	CTB	SB 21-260
108	TOTAL - CLEAN TRANSIT ENTERPRISE	\$0.0 M	\$8.3 M	\$9.1 M	\$9.1 M		

109	NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE						
110	Multimodal Services & Electrification	\$6.6 M	\$6.6 M	\$8.3 M	\$14.9 M		
111	Mobility	\$6.6 M	\$6.6 M	\$8.3 M	\$14.9 M		
112	NAAPME Projects	\$6.6 M	\$6.6 M	\$8.3 M	\$14.9 M	NAAPMEB	SB 21-260
113	Administration & Agency Operations	\$0.3 M	\$0.4 M	\$0.2 M	\$0.5 M		
114	Agency Operations-NAAPME	\$0.1 M	\$0.2 M	\$0.2 M	\$0.3 M	NAAPMEB	SB 21-260
115	Contingency Reserve-NAAPME	\$0.2 M	\$0.2 M	\$0.0 M	\$0.2 M	NAAPMEB	SB 21-260
116	Debt Service	\$0.0 M	\$0.1 M	\$0.0 M	\$0.0 M		
117	Debt Service-NAAPME	\$0.0 M	\$0.1 M	\$0.0 M	\$0.0 M	NAAPMEB	SB 21-260
118	TOTAL - NONATTAINMENT AREA AIR POLLUTION MITIG/	\$6.9 M	\$7.1 M	\$8.5 M	\$15.4 M		
119	TOTAL - CDOT AND ENTERPRISES	\$1,321.7 M	\$1,784.0 M	\$1,797.5 M	\$3,119.3 M		

*Roll forward budget is budget from a prior year that hasn't been committed to a project or expended from a cost center prior to the close of the fiscal year. Estimated Roll forward budget will be incorporated prior to finalizing the FY 2024 budget, and updated after the close of FY 2023.

Colorado Department of Transportation - FY 2023-24 Spending Plan
Last updated March 2023

Projected Cash Balance	\$ 1,642.0M
Projected FY24 Revenue	\$ 1,556.7M
Projected FY24 Receivables	\$ 150.0M
Total Projected - CDOT	\$ 3,348.8M

Line	Budget Category / Program	FY 2023-24 Projected Expenditures	% Spent
1	COLORADO DEPARTMENT OF TRANSPORTATION		
2	Capital Construction	\$ 1247.8M	0.00%
3	Pre-Construction Activities	\$ 170.5M	0.00%
4	Right of Way	\$ 30.1M	0.00%
5	Acquisitions	\$ 13.7M	0.00%
6	Personal Services	\$.8M	0.00%
7	Professional Services	\$ 1.1M	0.00%
8	Other	\$ 14.7M	0.00%
9	Design and Other Pre-Construction Activities	\$ 140.4M	0.00%
10	Professional Services	\$ 108.4M	0.00%
11	Personal Services	\$ 18.7M	0.00%
12	Other	\$ 13.3M	0.00%
13	Construction Activities	\$ 859.3M	0.00%
14	Contractor Payments	\$ 832.6M	0.00%
15	Professional Services	\$ 19.4M	0.00%
16	Personal Services	\$ 2.3M	0.00%
17	Other	\$ 5.0M	0.00%
18	Other Capital Project Activities	\$ 218.1M	0.00%
19	Indirect Allocations	\$ 125.8M	0.00%
20	Construction Engineering Allocations	\$ 92.2M	0.00%
21	Maintenance and Operations	\$ 358.1M	0.00%
22	Personal Services	\$ 161.7M	0.00%
23	Operating	\$ 140.8M	0.00%
24	Capital	\$ 6.5M	0.00%
25	Property	\$ 25.6M	0.00%
26	Capital Equipment	\$ 23.5M	0.00%
27	Multimodal Services, Non Construction	\$ 61.7M	0.00%
28	Personal Services	\$ 6.3M	0.00%
29	Operating	\$ 53.1M	0.00%
30	Capital	\$ 2.3M	0.00%
31	Suballocated Programs	\$ 269.3M	0.00%
32	Aeronautics	\$ 64.2M	0.00%
33	Payments to Local Governments	\$ 205.1M	0.00%
34	Administration & Agency Operations	\$ 112.1M	0.00%
35	Personal Services	\$ 41.9M	0.00%
36	Operating	\$ 51.1M	0.00%
37	Capital	\$ 19.1M	0.00%
38	Debt Service	\$ 123.1M	0.00%
39	Debt Service	\$ 123.1M	0.00%
40	Other Programs, Non Construction	\$ 20.3M	0.00%
41	Personal Services	\$ 7.2M	0.00%
42	Operating	\$ 6.5M	0.00%
43	Capital	\$.1M	0.00%
44	Studies (Non-construction Activities) (DTD)	\$ 6.7M	0.00%
45	Total Projected - CDOT	\$ 2,192.3M	0.00%

46 COLORADO BRIDGE & TUNNEL ENTERPRISE			
Projected Cash Balance		\$ 107.7M	
Projected FY24 Revenue		\$ 153.0M	
Total Projected- CBTE		\$ 260.7M	
Line	Budget Category / Program	FY 2023-24 Projected	% Spent
47	Capital Construction		
48	Asset Management		
49	Bridge Enterprise Projects-CBTE	\$ 177.7M	0.00%
50	Maintenance and Operations		
51	Asset Management		
52	Maintenance and Preservation-CBTE	\$.8M	0.00%
53	Administration & Agency Operations		
54	Agency Operations-CBTE	\$ 1.8M	0.00%
55	Debt Service		
56	Debt Service-CBTE	\$ 48.7M	0.00%
57	Total CBTE	\$ 229.1M	0.00%

58 COLORADO TRANSPORTATION INVESTMENT OFFICE			
Projected Cash Balance		\$ 80.6M	
Projected FY24 Revenue		\$ 71.7M	
Total Projected - CTIO		\$ 152.3M	
59	Maintenance and Operations		
60	Express Lanes Operations	\$ 37.6M	0.00%
61	Administration & Agency Operations		
62	Agency Operations	\$ 4.5M	0.00%
63	Debt Service		
64	Debt Service	\$ 11.6M	0.00%
65	Total CTIO	\$ 53.8M	0.00%

66 CLEAN TRANSIT ENTERPRISE			
Projected Cash Balance		\$ 7M	
Projected FY24 Revenue		\$ 9.1M	
Total Projected - CTE		\$ 16.1M	
67	Suballocated Programs		
68	CTE Projects	\$0.8 M	0.00%
69	Administration & Agency Operations		
70	Agency Operations-CTE	\$0.6 M	0.00%
	Contingency Reserve-CTE	\$0.0 M	0.00%
71	Debt Service		
72	Debt Service-CTE	\$0.0 M	0.00%
73	Total - CTE	\$1.3 M	0.00%

74 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE			
Projected Cash Balance		\$ 6.9M	
Projected FY24 Revenue		\$ 8.5M	
Total Projected - NAAPME		\$ 15.4M	
75	Multimodal Services & Electrification		
76	NAAPME Projects	\$6.5 M	0.00%
77	Administration & Agency Operations		
78	Agency Operations-NAAPME	\$0.3 M	0.00%
	Contingency Reserve-NAAPME	\$0.0 M	0.00%
79	Debt Service		
80	Debt Service-NAAPME	\$0.0 M	0.00%
81	TOTAL - NAAPME	\$6.8 M	0.00%
82	TOTAL - CDOT AND ENTERPRISES	\$ 2,483.3M	0.00%



COLORADO

Department of Transportation

March 2023 TC Workshop *FY24 Final Annual Budget Allocation Plan*



Agenda

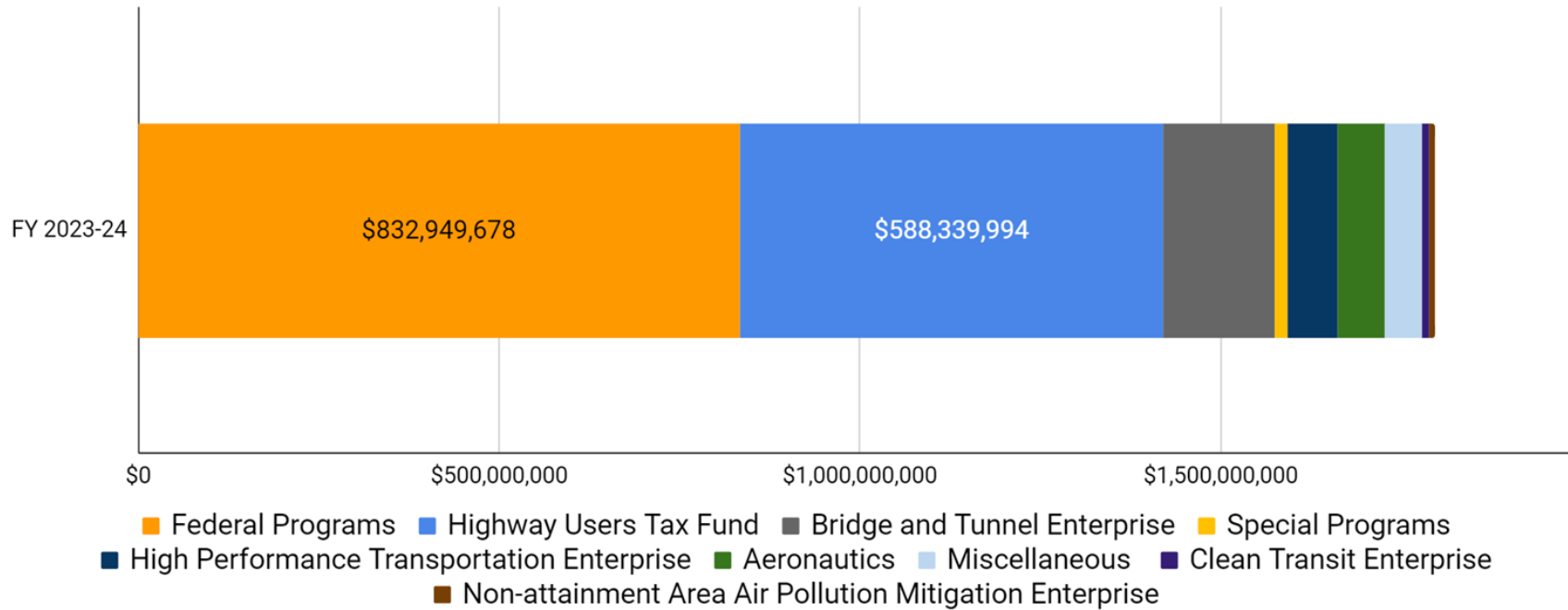
- FY24 Sources and Uses of Revenue
- FY24 Final Budget Allocation Plan
- FY24 Revenue Allocation Plan
 - FY22 Estimated Roll Forwards
- FY24 Spending Plan
- Timeline and Next Steps





FY 2023-24 Sources of Revenue

FY 2023-24 Sources

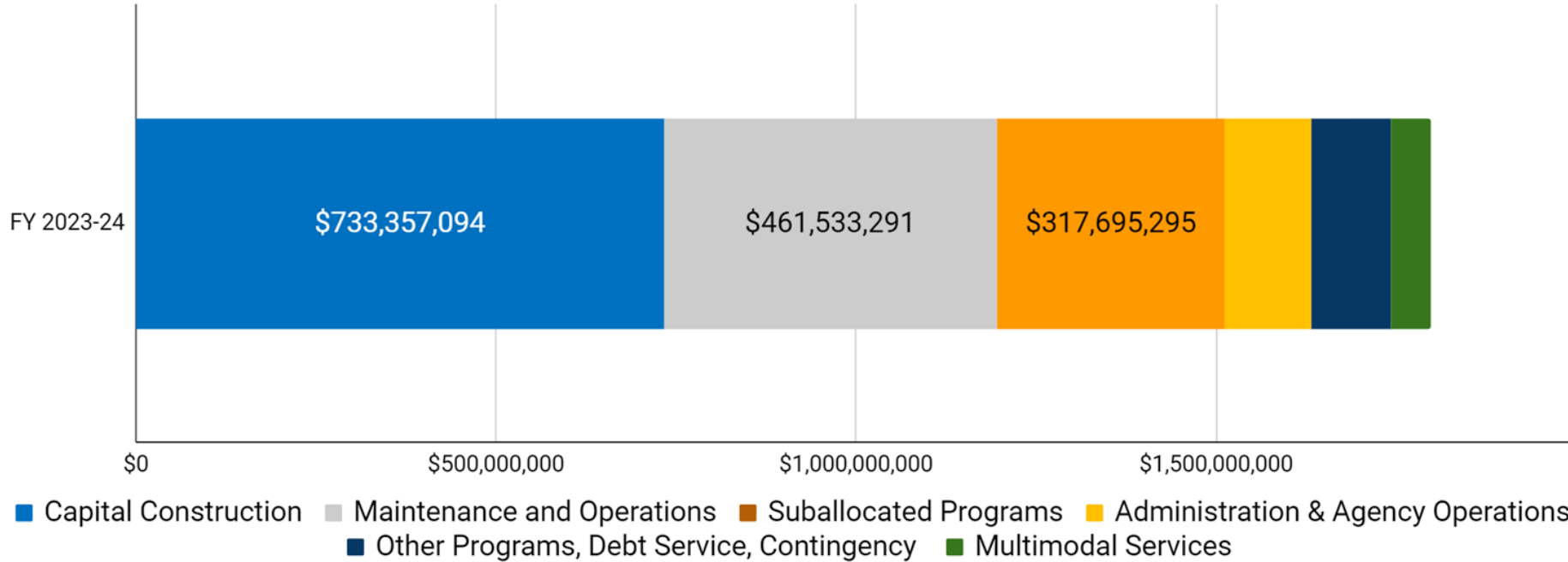


Total -
\$1,797.5 million



FY 2023-24 Uses of Revenue

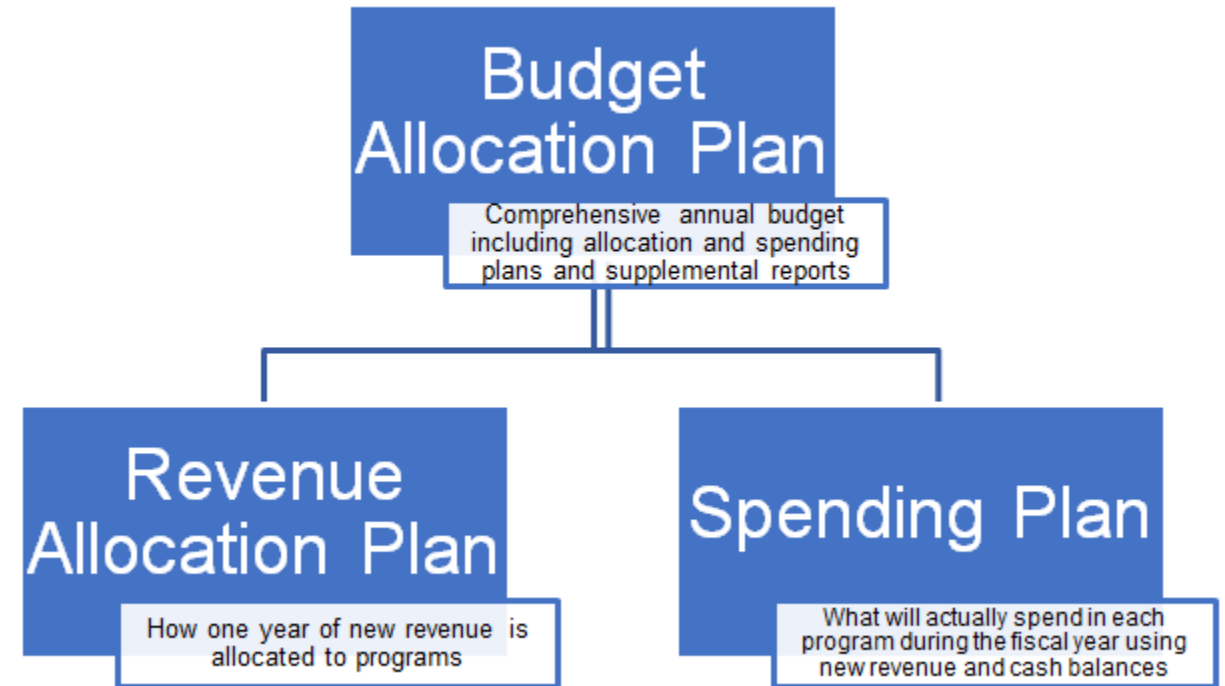
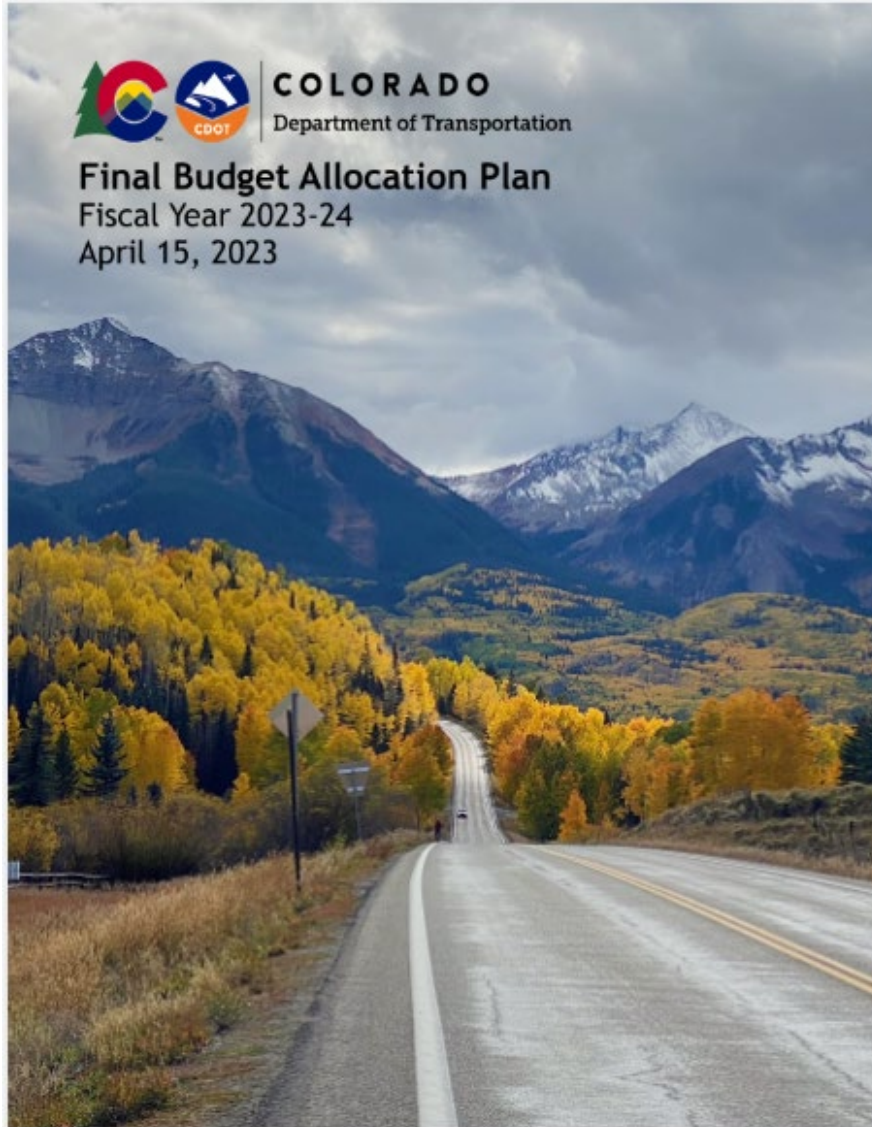
FY 2023-24 Uses



Total -
\$1,797.5 million



FY24 Final Budget Allocation Plan



<https://www.codot.gov/business/budget/cdot-budget/fy-2023-2024-budget-reports-information/fy-2023-2024-final-budget-allocation-plan>



FY 2023-24 Revenue Allocation Plan

(Updates in orange)

FY 2023-24 Revenue Allocation Plan

Line	Budget Category / Program	A. Estimated Rollforward from FY 2022-23*	B. FY 2022-23 Final Allocation Plan	C. FY 2023-24 Allocation Plan	FY 2023-24 Total Final Available Budget (A+C)	Directed By	Funding Source
1 COLORADO DEPARTMENT OF TRANSPORTATION							
2	Capital Construction	\$457.2 M	\$647.9 M	\$631.7 M	\$1,089.6 M		
3	Asset Management	\$120.4 M	\$392.3 M	\$399.3 M	\$519.7 M		
4	Surface Treatment	\$1.0 M	\$25.6 M	\$25.5 M	\$26.5 M	TC	RHWA / SH / SB 09-108
5	Structures	\$9.0 M	\$62.5 M	\$63.3 M	\$72.3 M	TC	RHWA / SH / SB 09-108
6	System Operations	\$7.4 M	\$26.9 M	\$26.3 M	\$33.7 M	TC	RHWA / SH
7	Geohazards Mitigation	\$1.0 M	\$10.0 M	\$9.7 M	\$10.7 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$2.0 M	\$6.5 M	\$6.5 M	\$8.5 M	TC	RHWA / SH
9	Emergency Relief	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	FR	RHWA
10	10 Year Plan Projects - Capital AM	\$100.0 M	\$60.0 M	\$68.0 M	\$168.0 M	TC / FR	RHWA
11	Safety	\$21.2 M	\$121.6 M	\$115.6 M	\$136.8 M		
12	Highway Safety Improvement Program	\$5.0 M	\$39.4 M	\$42.9 M	\$47.9 M	FR	RHWA / SH
13	Railway/Highway Crossings Program	\$0.0 M	\$3.6 M	\$3.8 M	\$3.8 M	FR	RHWA / SH
14	Hot Spots	\$0.0 M	\$2.2 M	\$2.7 M	\$2.7 M	TC	RHWA / SH
15	FASTER Safety	\$10.2 M	\$69.2 M	\$69.0 M	\$69.2 M	TC	SB 09-108
16	ADA Compliance	\$6.0 M	\$7.2 M	\$7.2 M	\$13.2 M	TC	RHWA / SH
17	Mobility	\$315.6 M	\$184.1 M	\$168.8 M	\$484.4 M		
18	Regional Priority Program	\$40.0 M	\$50.0 M	\$50.0 M	\$90.0 M	TC	RHWA / SH
19	10 Year Plan Projects - Capital Mobility	\$280.0 M	\$63.4 M	\$42.9 M	\$382.9 M	SL	RHWA / SB 17-267 / SB 21-260
20	Freight Programs	\$15.6 M	\$20.7 M	\$23.9 M	\$39.5 M	FR	RHWA / SH / SL
21	Maintenance and Operations	\$23.4 M	\$372.3 M	\$394.5 M	\$417.9 M		#NAME?
22	Asset Management	\$14.8 M	\$336.1 M	\$358.1 M	\$372.9 M		
23	Maintenance Program Areas	\$0.0 M	\$278.8 M	\$284.9 M	\$284.9 M		
24	Roadway Surface	\$0.0 M	\$37.7 M	\$40.9 M	\$40.9 M	TC	SH
25	Roadside Facilities	\$0.0 M	\$22.8 M	\$24.2 M	\$24.2 M	TC	SH
26	Roadside Appearance	\$0.0 M	\$10.8 M	\$9.3 M	\$9.3 M	TC	SH
27	Structure Maintenance	\$0.0 M	\$5.7 M	\$5.6 M	\$5.6 M	TC	SH
28	Tunnel Activities	\$0.0 M	\$6.4 M	\$5.0 M	\$5.0 M	TC	SH
29	Snow and Ice Control	\$0.0 M	\$84.3 M	\$84.9 M	\$84.9 M	TC	SH
30	Traffic Services	\$0.0 M	\$75.7 M	\$75.7 M	\$75.7 M	TC	SH
31	Materials, Equipment, and Buildings	\$0.0 M	\$18.2 M	\$21.1 M	\$21.1 M	TC	SH
32	Planning and Scheduling	\$0.0 M	\$16.1 M	\$18.1 M	\$18.1 M	TC	SH
33	Express Lane Corridor Maintenance and Operations	\$2.5 M	\$11.0 M	\$12.1 M	\$14.5 M	TC	SH
34	Property	\$0.4 M	\$27.9 M	\$25.6 M	\$26.0 M	TC	SH
35	Capital Equipment	\$9.9 M	\$23.4 M	\$23.5 M	\$33.4 M	TC	SH
36	Maintenance Reserve Fund	\$2.0 M	\$0.0 M	\$12.0 M	\$14.0 M	TC	SH
37	Safety	\$1.0 M	\$12.2 M	\$12.2 M	\$13.2 M		
38	Strategic Safety Program	\$1.0 M	\$11.2 M	\$11.2 M	\$12.2 M	TC	RHWA / SH
39	Mobility	\$7.6 M	\$24.0 M	\$24.3 M	\$31.9 M		
40	Real-Time Traffic Operations	\$2.6 M	\$14.0 M	\$14.3 M	\$16.9 M	TC	SH
41	ITS Investments	\$5.0 M	\$10.0 M	\$10.0 M	\$15.0 M	TC	RHWA / SH
42	Multimodal Services & Electrification	\$137.7 M	\$55.1 M	\$45.7 M	\$183.4 M		
43	Mobility	\$137.7 M	\$55.1 M	\$45.7 M	\$183.4 M		
44	Innovative Mobility Programs	\$10.0 M	\$8.9 M	\$9.0 M	\$19.0 M	TC	RHWA / SH
45	National Electric Vehicle Program	\$0.0 M	\$11.3 M	\$14.5 M	\$14.5 M	FR	RHWA
46	10 Year Plan Projects - Multimodal	\$119.3 M	\$17.2 M	\$12.3 M	\$131.6 M	TC	RHWA / SB 17-267, SB 21-260
47	Rail Commission	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	SL	SL
48	Bustang	\$8.4 M	\$8.8 M	\$9.8 M	\$18.2 M	TC	SB 09-108 / Fare Rev. / SB 21-260
49	Suballocated Programs	\$340.5 M	\$373.2 M	\$310.0 M	\$650.5 M		
50	Aeronautics	\$12.5 M	\$35.3 M	\$64.2 M	\$76.7 M		
51	Aviation System Program	\$12.5 M	\$35.3 M	\$64.2 M	\$76.7 M	AR	SA
52	Highways	\$136.0 M	\$149.9 M	\$155.9 M	\$295.9 M		
53	STAG Urban (STP Metro)	\$90.0 M	\$51.9 M	\$66.0 M	\$145.0 M	FR	RHWA / LOC
54	Congestion Mitigation and Air Quality	\$32.0 M	\$51.7 M	\$52.8 M	\$84.8 M	FR	RHWA / LOC
55	Metropolitan Planning	\$0.0 M	\$10.7 M	\$10.7 M	\$10.7 M	FR	RHWA / FTA / LOC
56	Off System Bridge Program	\$12.0 M	\$19.5 M	\$22.4 M	\$34.4 M	TC / FR	RHWA / SH / LOC
57	Transit and Multimodal	\$194.0 M	\$194.1 M	\$94.0 M	\$288.0 M		
58	Recreational Trails	\$1.0 M	\$1.6 M	\$1.6 M	\$2.6 M	FR	RHWA
59	Safe Routes to School	\$3.0 M	\$3.1 M	\$3.1 M	\$6.1 M	TC	RHWA / LOC
60	Transportation Alternatives Program	\$20.0 M	\$20.0 M	\$21.5 M	\$41.5 M	FR	RHWA / LOC
61	Transit Grant Programs	\$60.0 M	\$51.9 M	\$51.7 M	\$111.7 M	FR / SL / TC	FTA / LOC / SB 09-108
62	Multimodal Options Program - Local	\$46.0 M	\$97.6 M	\$6.3 M	\$51.3 M	SL	SB 21-260
63	Carbon Reduction Program - Local	\$15.0 M	\$9.5 M	\$9.6 M	\$24.6 M	FR	RHWA / LOC
64	Rehabilitating Main Streets Program	\$40.0 M	\$0.7 M	\$0.0 M	\$40.0 M	SL / TC	SB 21-260
65	Administration & Agency Operations	\$2.0 M	\$105.3 M	\$112.1 M	\$114.1 M		
66	Agency Operations	\$2.0 M	\$59.7 M	\$66.2 M	\$68.2 M	TC / AR	RHWA / SH / SA / SB 09-108
67	Administration	\$0.0 M	\$42.9 M	\$44.5 M	\$44.5 M	TC	SH
68	Project Initiatives	\$0.0 M	\$2.4 M	\$1.4 M	\$1.4 M	TC	SH
69	Debt Service	\$171.3 M	\$0.0 M	\$28.4 M	\$199.7 M		
70	Debt Service	\$171.3 M	\$0.0 M	\$28.4 M	\$199.7 M	DS	SH
71	Contingency Reserve	\$90.0 M	\$0.0 M	\$0.0 M	\$90.0 M		
72	Contingency Fund	\$30.0 M	\$0.0 M	\$0.0 M	\$30.0 M	TC	RHWA / SH
73	Commission Reserve Funds	\$60.0 M	\$0.0 M	\$0.0 M	\$60.0 M	TC	RHWA / SH
74	Other Programs	\$31.0 M	\$29.5 M	\$36.3 M	\$96.8 M		
75	Safety Education	\$20.0 M	\$14.1 M	\$15.4 M	\$35.5 M	TC / FR	NHTSA / SE
76	Planning and Research	\$3.0 M	\$15.1 M	\$17.6 M	\$20.6 M	FR	RHWA / SH
77	State Infrastructure Bank	\$8.0 M	\$0.3 M	\$1.1 M	\$9.1 M	TC	SR
78	TOTAL - CDOT	\$1,259.2 M	\$1,583.3 M	\$1,596.7 M	\$2,809.9 M		

- Balanced using December 2021 revenue forecast
- Flexible revenue allocated based on FY22 budget amounts with some adjustments
- Inflexible revenue automatically adjusted based on FY24 revenue forecast
- Asset Management and Maintenance programs funded according to the FY24 Asset Management Planning Totals, approved by the TC in August 2019
- Budget Impacts of the Infrastructure and Investment Jobs Act incorporated
- CTIO revenue was updated to match the total FY24 budget approved by the CTIO Board in Feb 2023
- The total allocation to the Maintenance Level of Service (MLOS) Program remains unchanged at \$284.9M; however, the allocation of the total across Maintenance Program Areas (MPAs) was updated based on the estimated need for each MPA for FY24.



Estimated FY 2022-23 Roll Forwards

Line	Budget Category / Program	A. Estimated Rollforward from FY 2022-23*	FY 2023-24 Proposed Allocation Plan	FY 2023-24 Total Final Available Budget (A+C)
1 COLORADO DEPARTMENT OF TRANSPORTATION				
2	Capital Construction	\$457.2 M	\$631.7 M	\$1,088.9 M
3	Asset Management	\$120.4 M	\$399.3 M	\$519.7 M
11	Safety	\$21.2 M	\$115.6 M	\$136.8 M
17	Mobility	\$315.6 M	\$116.8 M	\$432.4 M
21	Maintenance and Operations	\$23.4 M	\$394.5 M	\$417.9 M
22	Asset Management	\$120.4 M	\$399.3 M	\$519.7 M
23	Maintenance Program Areas	\$0.0 M	\$284.9 M	\$284.9 M
37	Safety	\$21.2 M	\$115.6 M	\$136.8 M
39	Mobility	\$315.6 M	\$116.8 M	\$432.4 M
42	Multimodal Services & Electrification	\$137.7 M	\$45.7 M	\$183.4 M
43	Mobility	\$315.6 M	\$116.8 M	\$432.4 M
49	Suballocated Programs	\$340.5 M	\$310.0 M	\$650.5 M
50	Aeronautics	\$12.5 M	\$64.2 M	\$76.7 M
52	Highway	\$134.0 M	\$151.9 M	\$285.9 M
57	Transit and Multimodal	\$194.0 M	\$94.0 M	\$288.0 M
65	Administration & Agency Operations	\$2.0 M	\$112.1 M	\$114.1 M
69	Debt Service	\$171.3 M	\$28.4 M	\$199.7 M
71	Contingency Reserve	\$90.0 M	\$0.0 M	\$90.0 M
74	Other Programs	\$31.0 M	\$34.3 M	\$65.4 M
78	TOTAL - CDOT	\$1,253.2 M	\$1,556.7 M	\$2,809.9 M
79 COLORADO BRIDGE & TUNNEL ENTERPRISE				
80	Capital Construction	\$16.8 M	\$101.7 M	\$118.4 M
81	Asset Management-BTE	\$16.8 M	\$101.7 M	\$118.4 M
83	Maintenance and Operations	\$0.0 M	\$394.5 M	\$417.9 M
84	Asset Management-BTE.	\$0.0 M	\$0.8 M	\$0.8 M
86	Administration & Agency Operations	\$2.0 M	\$112.1 M	\$114.1 M
88	Debt Service	\$171.3 M	\$28.4 M	\$199.7 M
90	TOTAL - BRIDGE & TUNNEL ENTERPRISE	\$16.8 M	\$153.0 M	\$169.7 M
91 COLORADO TRANSPORTATION INVESTMENT OFFICE (CTIO)				
92	Maintenance and Operations-CTIO	\$41.5 M	\$66.2 M	\$107.6 M
94	Administration & Agency Operations-CTIO	\$3.4 M	\$4.1 M	\$7.4 M
96	Debt Service-CTIO	\$0.0 M	\$0.0 M	\$0.0 M
98	TOTAL - COLORADO TRANSPORTATION INVESTMI	\$44.8 M	\$70.2 M	\$115.1 M
	TOTAL - CDOT AND ENTERPRISES	\$1,321.7 M	\$1,797.5 M	\$3,119.3 M

Total estimated roll forwards from FY 2022-23:

- **CDOT \$1,253.2 million**
 - \$479.3 million is 10 Year Plan Projects lines
 - \$340.5 million is Suballocated Programs
- **BTE \$16.8 million**
 - Funds set aside for larger future year projects that are planned in FY24-FY26.
- **CTIO \$44.8 million**
 - Excess toll revenue collected from all express lanes and remaining budget related to payments made by CDOT under various Intra Agency Agreements.
- **NAAPME \$6.9 million; CTE \$0** (CTE's budget is annually appropriated by the CO legislature and therefore not eligible for roll forward)
- **Total CDOT and Enterprises \$1,321.7 million**

The majority of rolled forward funds are programmed and committed but have not yet been budgeted or encumbered in contracts. As projects proceed to advertisement later this fiscal year and into next fiscal year, funds will be budgeted and encumbered.



FY 2023-24 Spending Plan (Appendix B)

Colorado Department of Transportation - FY 2023-24 Spending Plan			
Last updated March 2023			
Projected Cash Balance		\$ 1,642.0M	
Projected FY24 Revenue		\$ 1,556.7M	
Projected FY24 Receivables		\$ 150.0M	
Total Projected - CDOT		\$ 3,348.8M	
Line	Budget Category / Program	Projected Expenditures	% Spent
1	COLORADO DEPARTMENT OF TRANSPORTATION		
2	Capital Construction	\$ 1247.8M	0.00%
3	Pre-Construction Activities	\$ 170.5M	0.00%
4	Right of Way	\$ 30.1M	0.00%
5	Acquisitions	\$ 13.7M	0.00%
6	Personal Services	\$.8M	0.00%
7	Professional Services	\$ 1.1M	0.00%
8	Other	\$ 14.7M	0.00%
9	Design and Other Pre-Construction Activities	\$ 140.4M	0.00%
10	Professional Services	\$ 108.4M	0.00%
11	Personal Services	\$ 18.7M	0.00%
12	Other	\$ 13.3M	0.00%
13	Construction Activities	\$ 859.3M	0.00%
14	Contractor Payments	\$ 832.6M	0.00%
15	Professional Services	\$ 19.4M	0.00%
16	Personal Services	\$ 2.3M	0.00%
17	Other	\$ 5.0M	0.00%
18	Other Capital Project Activities	\$ 218.1M	0.00%
19	Indirect Allocations	\$ 125.8M	0.00%
20	Construction Engineering Allocations	\$ 92.2M	0.00%
21	Maintenance and Operations	\$ 358.1M	0.00%
22	Personal Services	\$ 161.7M	0.00%
23	Operating	\$ 140.8M	0.00%
24	Capital	\$ 6.5M	0.00%
25	Property	\$ 25.6M	0.00%
26	Capital Equipment	\$ 23.5M	0.00%
27	Multimodal Services, Non Construction	\$ 61.7M	0.00%
28	Personal Services	\$ 6.3M	0.00%
29	Operating	\$ 53.1M	0.00%
30	Capital	\$ 2.3M	0.00%
31	Suballocated Programs	\$ 269.3M	0.00%
32	Aeronautics	\$ 64.2M	0.00%
33	Payments to Local Governments	\$ 205.1M	0.00%
34	Administration & Agency Operations	\$ 112.1M	0.00%
35	Personal Services	\$ 41.9M	0.00%
36	Operating	\$ 51.1M	0.00%
37	Capital	\$ 19.1M	0.00%
38	Debt Service	\$ 123.1M	0.00%
39	Debt Service	\$ 123.1M	0.00%
40	Other Programs, Non Construction	\$ 20.3M	0.00%
41	Personal Services	\$ 7.2M	0.00%
42	Operating	\$ 6.5M	0.00%
43	Capital	\$.1M	0.00%
44	Studies (Non-construction Activities) (DTD)	\$ 6.7M	0.00%
45	Total Projected - CDOT	\$ 2,192.3M	0.00%

46 COLORADO BRIDGE & TUNNEL ENTERPRISE			
Projected Cash Balance		\$ 107.7M	
Projected FY24 Revenue		\$ 153.0M	
Total Projected - CBTE		\$ 260.7M	
Line	Budget Category / Program	Expenditures	% Spent
47	Capital Construction		
48	Asset Management		
49	Bridge Enterprise Projects-CBTE	\$ 177.7M	0.00%
50	Maintenance and Operations		
51	Asset Management		
52	Maintenance and Preservation-CBTE	\$.8M	0.00%
53	Administration & Agency Operations		
54	Agency Operations-CBTE	\$ 1.8M	0.00%
55	Debt Service		
56	Debt Service-CBTE	\$ 48.7M	0.00%
57	Total CBTE	\$ 229.1M	0.00%
58 COLORADO TRANSPORTATION INVESTMENT OFFICE			
Projected Cash Balance		\$ 80.6M	
Projected FY24 Revenue		\$ 71.7M	
Total Projected - CTIO		\$ 152.3M	
59	Maintenance and Operations		
60	Express Lanes Operations	\$ 37.6M	0.00%
61	Administration & Agency Operations		
62	Agency Operations	\$ 4.5M	0.00%
63	Debt Service		
64	Debt Service	\$ 11.6M	0.00%
65	Total CTIO	\$ 53.8M	0.00%

66 CLEAN TRANSIT ENTERPRISE			
Projected Cash Balance		\$ 7M	
Projected FY24 Revenue		\$ 9.1M	
Total Projected - CTE		\$ 16.1M	
67	Suballocated Programs		
68	CTE Projects	\$ 0.8M	0.00%
69	Administration & Agency Operations		
70	Agency Operations-CTE	\$ 0.6M	0.00%
	Contingency Reserve-CTE	\$ 0.0M	0.00%
71	Debt Service		
72	Debt Service-CTE	\$ 0.0M	0.00%
73	Total - CTE	\$ 1.3M	0.00%
74 NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE			
Projected Cash Balance		\$ 6.9M	
Projected FY24 Revenue		\$ 8.5M	
Total Projected - NAAPME		\$ 15.4M	
75	Multimodal Services & Electrification		
76	NAAPME Projects	\$ 6.5M	0.00%
77	Administration & Agency Operations		
78	Agency Operations-NAAPME	\$ 0.3M	0.00%
	Contingency Reserve-NAAPME	\$ 0.0M	0.00%
79	Debt Service		
80	Debt Service-NAAPME	\$ 0.0M	0.00%
81	TOTAL - NAAPME	\$ 6.8M	0.00%
82	TOTAL - CDOT AND ENTERPRISES	\$ 2,483.3M	0.00%

Total estimated expenditures in FY 2023-24, \$2,483.3 M:

- CDOT: \$2,192.3 million
- BTE: \$229.0 million
- CTIO: \$53.8 million
- Clean Transit: \$1.3 million
- Nonattainment Enterprise: \$6.8 million



Timeline and Next Steps

DAF will continue to address the following items for the FY 2023-24 Annual Budget:

- April 2023: The approved FY 2023-24 Final Annual Budget Allocation Plan will be submitted to the Governor’s Office and legislature.
- If necessary, the Administration Line and any other legislatively appropriated budget lines will be adjusted via Budget Amendment in July 2023 to reflect the final spending authority approved by the legislature.





MEMORANDUM

TO: Transportation Commission
CC: Shoshana Lew, CDOT Executive Director
Jessica Myklebust, CDOT Region 1 RTD
From: Angie Drumm CDOT Region1 Deputy Director, Traffic & Safety
Date: March 3, 2023
Subject: Regionwide Urban Arterial Bus Rapid Transit (BRT) Update

Purpose:

To provide an update to the Transportation Commission on the Regionwide Arterial BRT and Transit Improvements project(s) listed in the 10-year plan.

Action:

Information Only

Background:

CDOT's 10-year plan includes \$170 million of Strategic Funding for Regionwide Urban Arterial BRT and Transit Improvements projects.

The Federal Transit Administration defines BRT as a high-quality bus-based transit system that delivers fast and efficient service that may include dedicated lanes, busways, traffic signal priority, off-board fare collection, elevated platforms and enhanced stations. Because BRT contains features similar to a light rail or subway system, it is often considered more reliable, convenient and faster than regular bus services.

Arterial BRT has, for years, been an unrealized part of the overall transit vision for the Denver metro area. DRCOG, RTD, Denver and others have, through various studies, identified key BRT corridors to complement existing FasTracks routes. Many of these corridors are State Highways. The Strategic Funding identified in the 10-year plan will move forward Bus Rapid Transit projects on the following State Highway Corridors:

East Colfax Avenue (Denver Union Station to I-225)
East Colfax Avenue Extension (I-225 to I-70)
Federal Boulevard (120th Ave to Dartmouth)
Colorado Boulevard (I-25 to I-70)

Other State Highway Corridors that will also include Bus Rapid Transit and are important to enhance regional transit connectivity are:

CO 119
CO 7
I-270





CDOT

COLORADO

Department of Transportation

Transportation Commission Workshop Bus Rapid Transit (BRT) March 15, 2023



10 Year Plan Project Update: Regional Arterial BRT and Transit Improvements

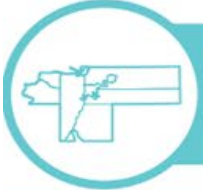
- Overview 10 Year Plan
- Identified State Highway BRT Corridors
 - **East Colfax Ave.**
 - **East Colfax Ave. Extension**
 - **Federal Blvd.**
 - **Colorado Blvd.**
 - **CO 119 Diagonal Hwy.**
 - **CO 7**
- Planning Estimates
- BRT Typical Elements & Benefits
- State Highway BRT Corridor Status
- BRT & Overall Transit Vision



Side-running BRT diagram (Tacoma, WA)



10 Year Plan Regions 1 and 4



CENTRAL PROJECTS

Highway & Transit– Region 1

	Project Type	Total Est. Project Cost	Total Strategic Funding	Other Funding	Funded FY 19-22	Funded FY 23-26	Planned FY 27+	Project Status	Planning Project ID	
I-270	I-270 Improvements and Congestion Relief from I-76 to I-70	H	\$600 M	\$200 M	✓	\$30 M	\$144.5 M	\$25.5 M		0002
CO 7	CO 7 Priority Intersection Improvements	H	\$20 M	\$20 M			\$20 M			2586 , 2641
	I-25 and CO 7 Interchange Mobility Hub	H,T	\$14 M	\$14 M		\$14 M				2694
	Regionwide Arterial BRT and Transit Improvements	H,T	TBD	\$170 M		\$3 M	\$72 M	\$95 M		2638



NORTHEAST PROJECTS

Highway & Transit– Region 4

	Project Type	Total Est. Project Cost	Total Strategic Funding	Other Funding	Funded FY 19-22	Funded FY 23-26	Planned FY 27+	Project Status	Planning Project ID	
CO 7	CO 7 Corridor Improvements	H,T	\$106 M	\$15.3 M	✓	\$13.44 M	\$1.86 M			2596
CO 119	CO 119 Bus Rapid Transit Enhancements	H,T	\$350 M	\$24.88 M	✓		\$24.88 M			2601
	CO 119 Bus Rapid Transit, Safety and Mobility Improvements	H,T	\$40 M	\$40 M		\$40 M				0057



Background: Planning Estimates

CENTRAL PROJECTS

Project Type	Total Est. Project Cost	Total Strategic Funding	Other Funding	Funded FY 19-22	Funded FY 23-26	Planned FY 27+	Project Status	Planning Project ID
Highway & Transit– Region 1								
Regionwide Arterial BRT and Transit Improvements	H,T	TBD	\$170 M	\$3 M	\$72 M	\$95 M		2638

NORTHEAST PROJECTS

Funding	Federal Blvd	Colorado Blvd	Colfax (Denver)	Colfax Extension	Total	CO 119+	CO 7+
CDOT	\$65,000,000	\$50,000,000	\$15,000,000	\$40,000,000	\$170,000,000	\$64,880,000	\$140,000,000
Federal*	\$289,300,000	\$90,000,000	\$110,000,000	\$60,000,000	\$690,000,000	\$158,420,000	-
Local	\$5,700,000	-	\$75,000,000	-	\$105,000,000	\$30,000,000	-
Total	\$360,000,000*	\$140,000,000*	\$200,000,000*	\$100,000,000*	\$860,000,000*	\$253,300,000	\$140,000,000

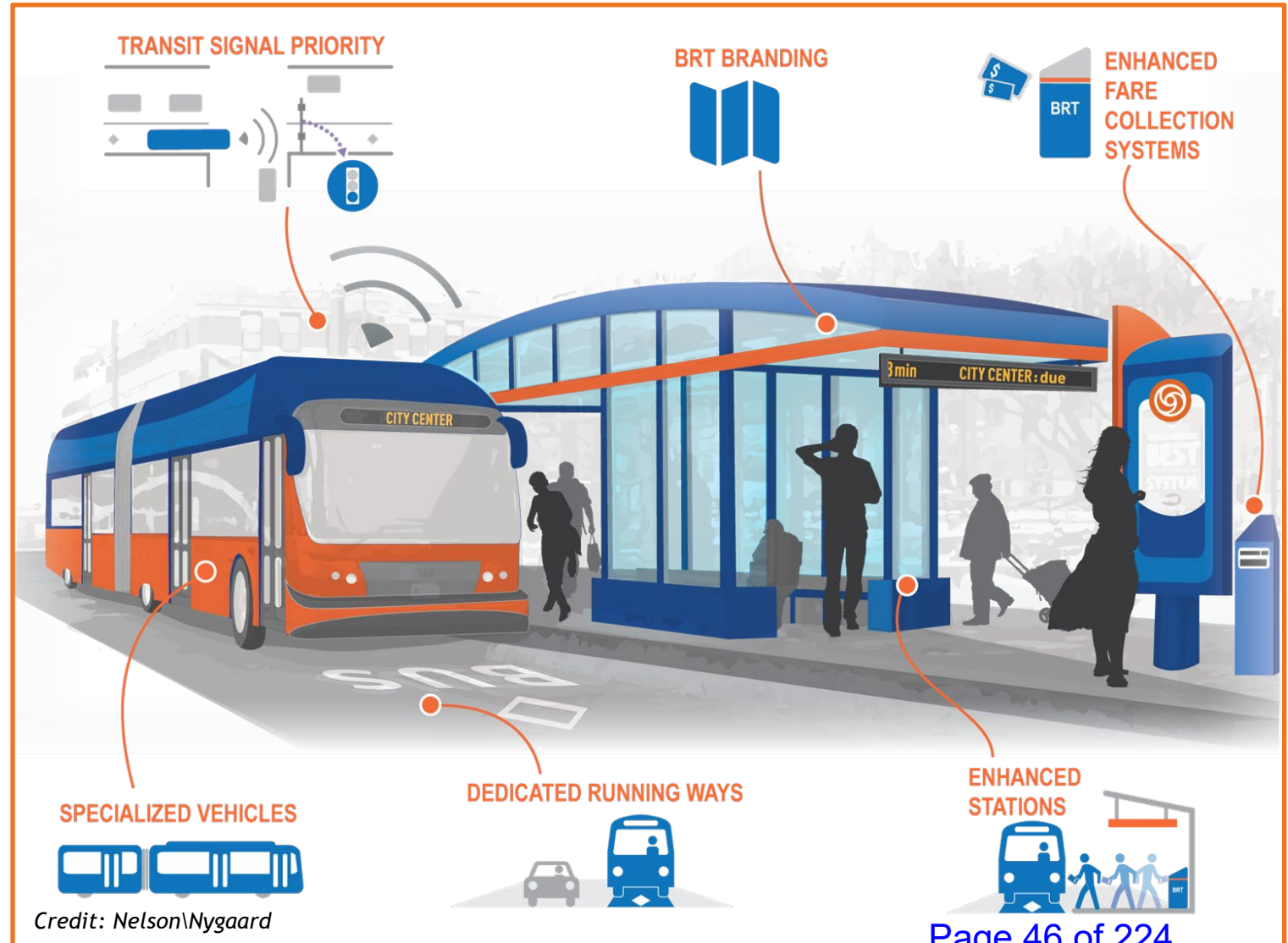
*Total cost assumes full BRT implementation; less-costly early action items included in total

*Highway improvements include future BRT elements



BRT Typical Elements

- Rapid service with higher frequency (10 - 15 min)
- Rail-like operation/feel
 - Dedicated lanes and/or signal priority
- Stations instead of stops
 - Sidewalk improvements
 - Station amenities
- Community improvement
 - More aesthetic than local bus service





BRT Economic Benefits

- BRT can support development/redevelopment
- 2015 National Institute for Transportation and Communities (NITC) Report:
 - Concluded BRT systems are associated with positive development and job location outcomes
- 2013 Institute for Transportation and Development Policy (ITDP) report found both light rail and BRT had a similar chance of stimulating economic development

System	Public TOD Investment (millions)	Investments in TOD Areas (millions)	Development per TOD Dollar Invested
Bus Rapid Transit			
Cleveland HealthLine	\$51	\$5,800	\$114.54
Kansas City Main Street Metro Area Express	\$51	\$5,200	\$101.96
Las Vegas Strip & Downtown Express (SDX)	\$47	\$2,000	\$42.28
Boston Washington Street Silver Line	\$31	\$650	\$20.97
Eugene Emerald Express Green Line (EmX)	\$25	\$100	\$3.96
Pittsburgh Martin Luther King, Jr. East Busway	\$252	\$900	\$3.59
Ottawa Transitway	\$585	\$1,000	\$1.71
Boston Waterfront Silver Line	\$719	\$1,000	\$1.39
BRT Summary	\$1,761	\$16,650	\$9.46

BRT economic benefits from 2013 ITDP Report



BRT Examples



Cleveland State Line BRT in Cleveland, OH

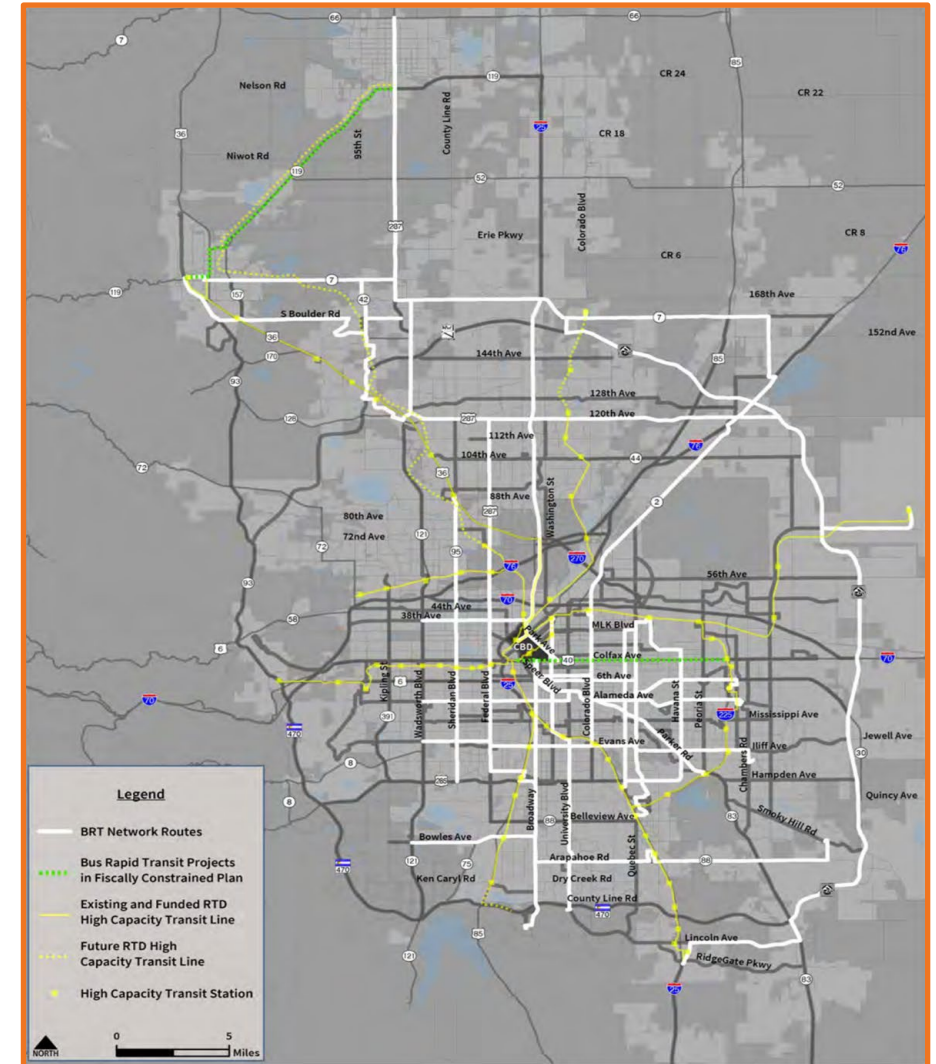
Red Line BRT in Indianapolis, IN





Regional BRT Planning

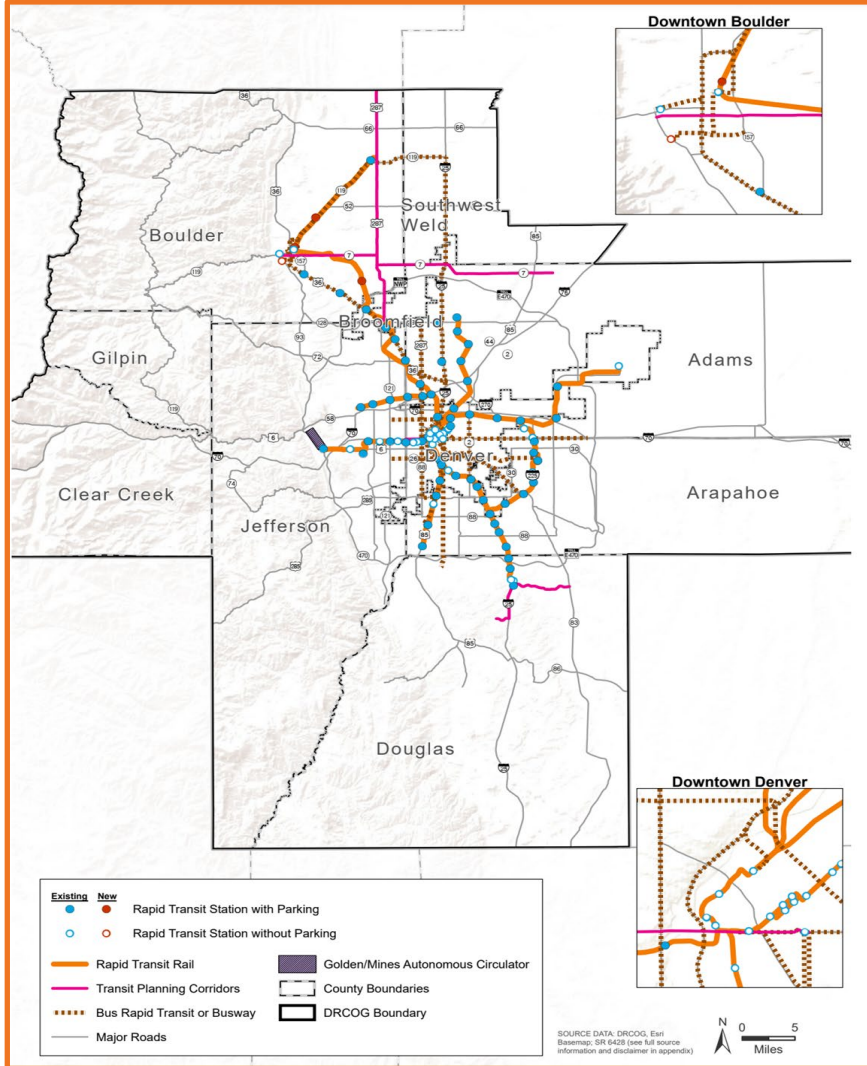
- Regional partners have identified arterials as BRT priority corridors
- RTD Feasibility Study (2019)
 - Identified 29 candidate BRT routes on arterials
 - 2 are moving toward implementation
 - East Colfax (Denver and Aurora)
 - CO 119 (Boulder and Longmont)



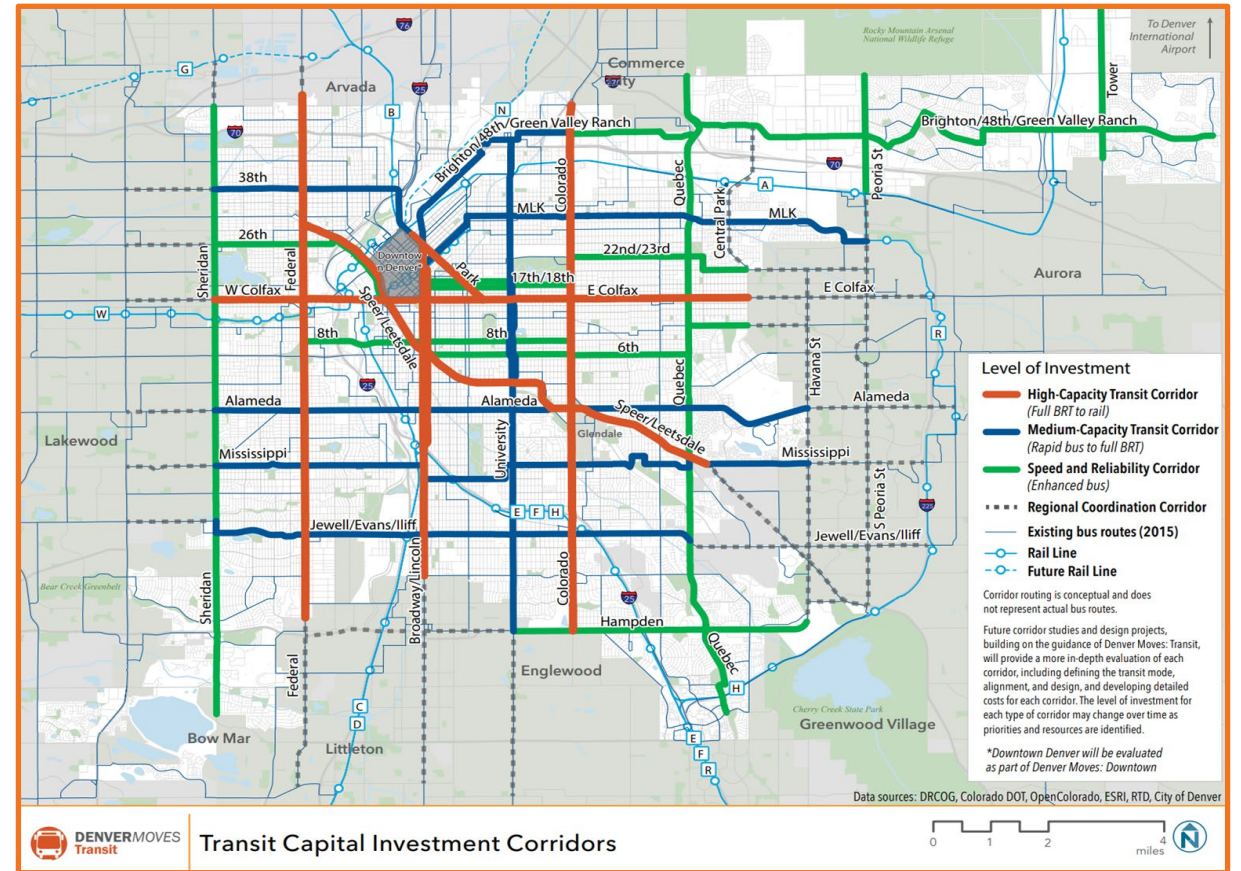


Regional BRT Planning

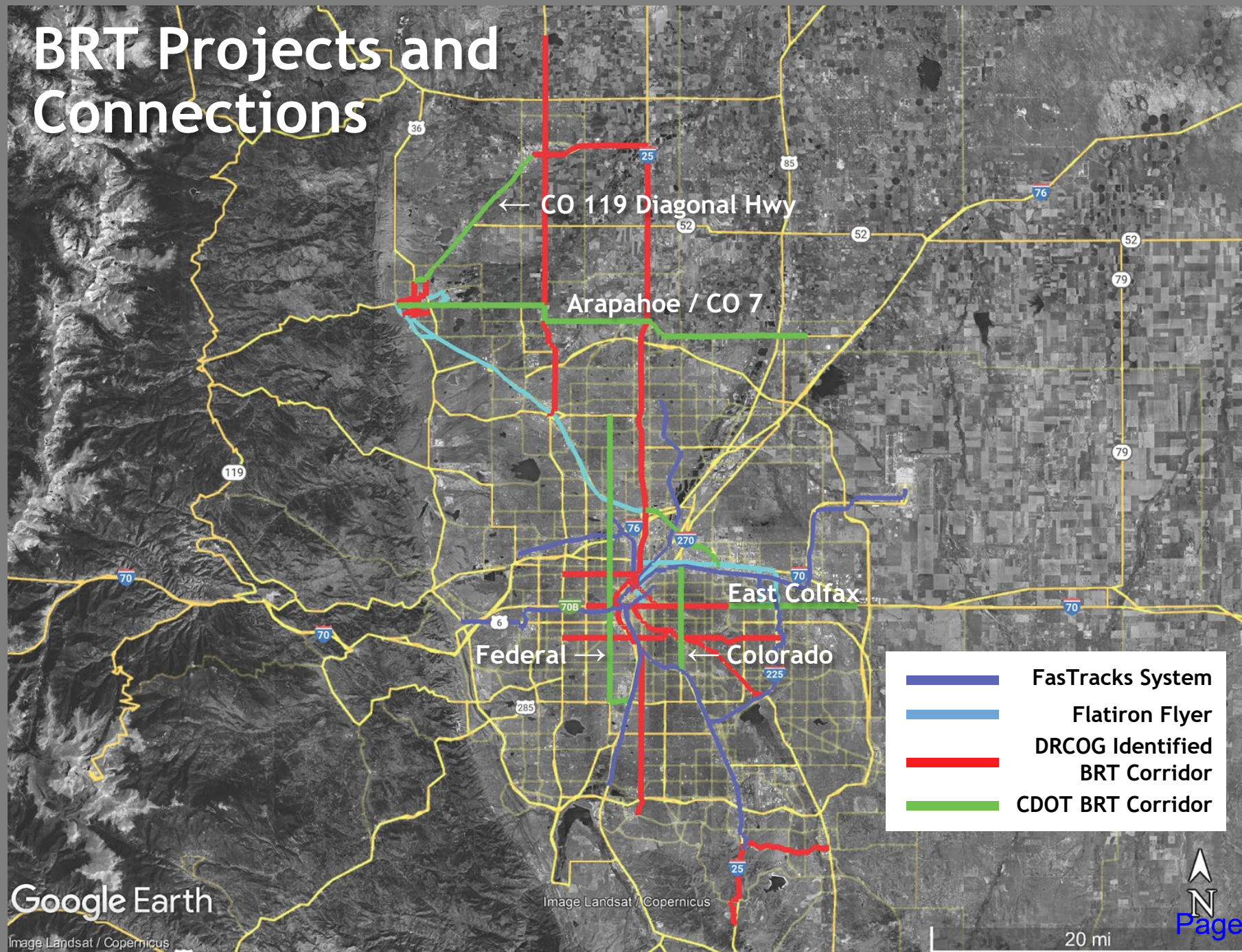
DRCOG Metro Vision 2050 (2021)



Denver Moves Transit (2019)



BRT Projects and Connections





Key 10 Year Plan BRT Corridors

- Regional BRT system of corridors: project and program investment priorities*
 - Complete BRT corridors by 2030
 - **East Colfax Ave.**
 - **East Colfax Ave. Extension**
 - **Federal Blvd.**
 - **Colorado Blvd.**
 - **CO 119 Diagonal Hwy.**
 - **Arapahoe Rd. / CO 7 (complete highway improvements leading to BRT)**
 - **I-270**

Green = CDOT-led/Involved

Blue = Denver-led

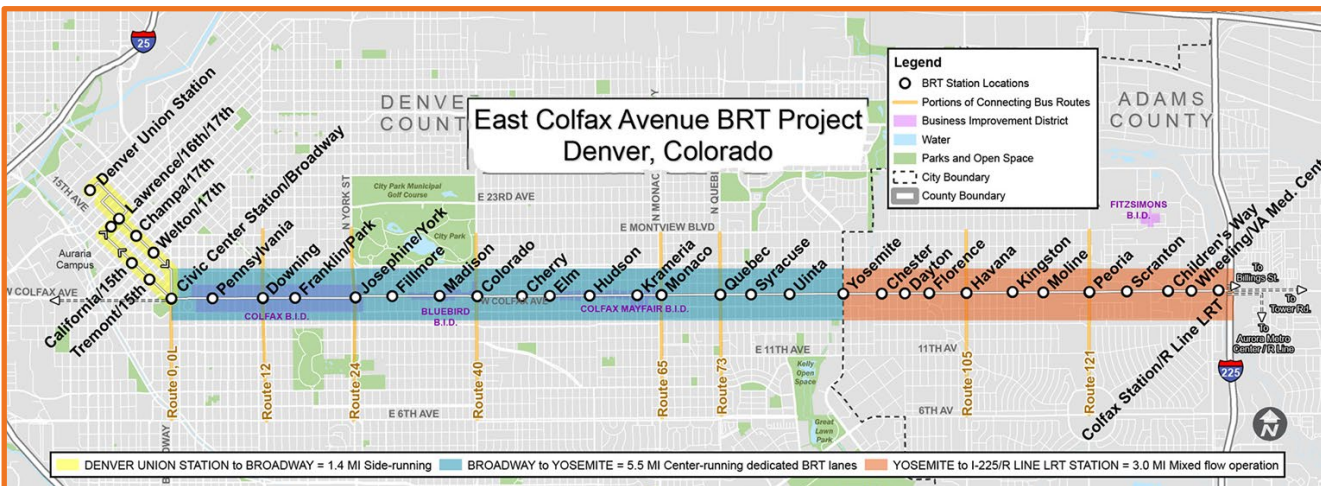
*CDOT is coordinating with regional partners on BRT service & operations



East Colfax (Denver) BRT Project



- Union Station to I-225
- 4 lanes with parking throughout 10-mile corridor
- 24,000 - 42,000 AADT
- Primary RTD Route: 15/15L bus
- Highest boardings in system (including Denver: 6.9 million/year)
- Connections to various bus lines and rail at Union Station, FF and R Lines at I-225





East Colfax Extension Characteristics



- I-225 to I-70
- 3 - 4 lanes throughout 5-mile corridor
- 24,000 - 37,000 AADT
- Primary RTD Route: 15/15L bus
- Destinations include:
 - US Customs and Immigration Office
 - Soccer City Aurora
 - Amazon and other freight facilities
 - Various retailers
 - Connections to various bus lines and rail at Union Station, FF bus and R Line light rail at I-225



East Colfax Extension Next Steps



- Coordination with local partners
- Project scoping
- Identify early actions



Federal Blvd. Characteristics



- 120th Ave. - Dartmouth Ave.
- 4 - 6 lanes throughout 18-mile corridor
- 22,000 - 46,000 AADT
- Primary RTD Route: 31 bus
- 5th highest boardings in system (over 1 million/year)
- Destinations include:
 - Regis University
 - Empower Field at Mile High
 - Multiple neighborhoods, retail districts, churches, community centers
- Connections to W, G, and B light rail lines



Federal Blvd. Next Steps



- Build on Local Agency Work
- Release RFP for Pre-construction Activities (March)
 - NEPA
 - Traffic Modeling
 - 30% design
 - Consultant NTP (~June)
- FTA Capital Investment Grant (CIG) Letter of Intent (August)



Colorado Blvd. Characteristics



- A-Line 40th & Colorado Station (I-70) - E-Line Colorado Station (I-25)
- 6 - 8 lanes throughout 6.5-mile corridor
- 45,000 - 68,000 AADT
- Primary RTD Route: 40 bus
- 9th highest boardings in system (over 1 million/year)
- Destinations include:
 - City Park, Denver Zoo, Museum of Nature and Science
 - Rose Medical Center
 - Multiple neighborhoods, retail districts, parks
- Connections to A Line, and E and H light rail lines



Colorado Blvd. Next Steps



- Bicycle and Pedestrian Gap Analysis
- Identify early action projects
- Develop RFP for Alternatives analysis, NEPA, and 30% design



CO 119 Diagonal Hwy. Characteristics

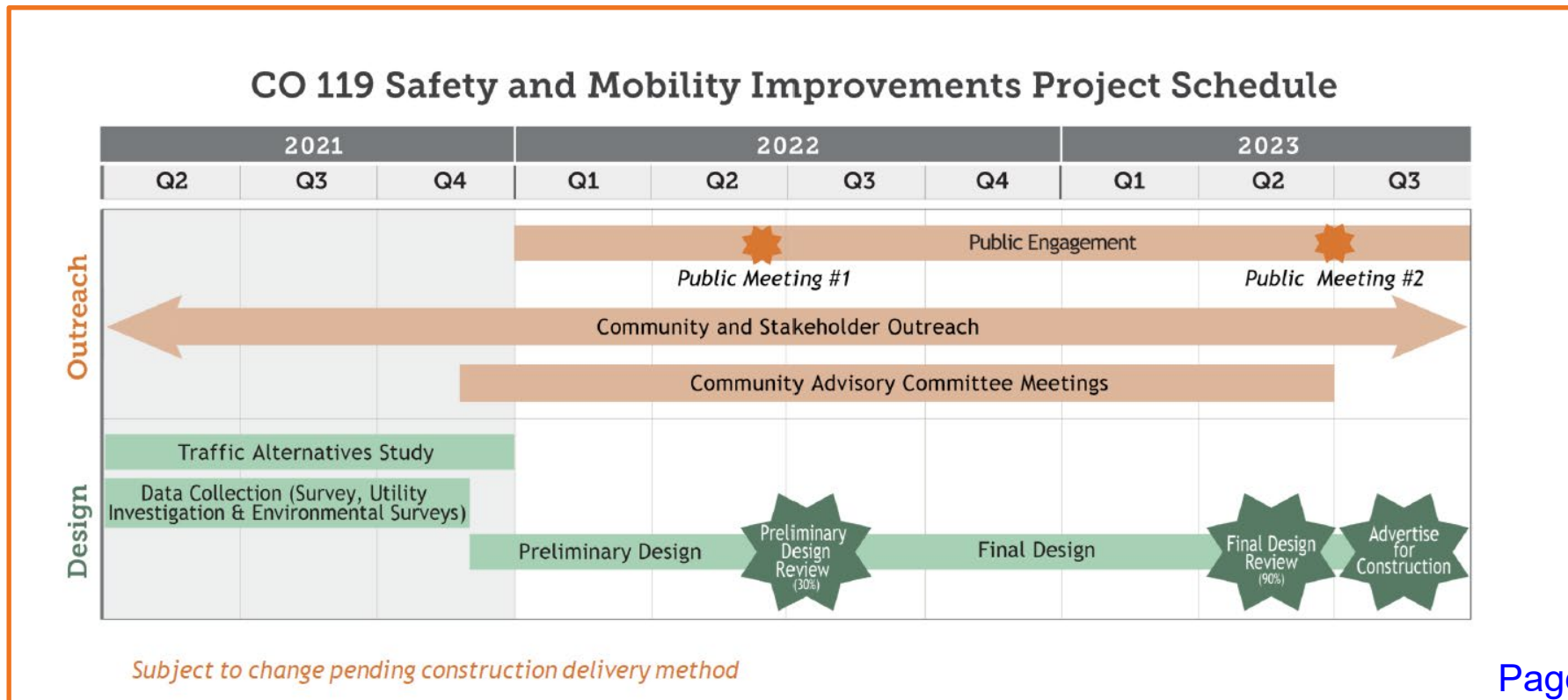


- 47th St. (Boulder - Hover St. (Longmont))
- 4 - 6 lanes throughout 9-mile corridor
- 31,000 - 56,000 AADT
- Multiple service providers along SH 119 from Ft. Collins to Boulder will use the BRT system
- Destinations include:
 - UCAR Campus
 - IBM Campus
 - Niwot Main Street
 - Front Range Community College Boulder County Campus
- Connections to FF, LD, and RX bus lines



CO 119 Diagonal Hwy. Next Steps

- Currently at ~60% Design
- Preparing to release CM/GC RFP
- Construction planned for end of CY23





Arapahoe Rd. / CO 7 Corridor Characteristics



- Boulder - Brighton
- 2 - 6 lanes throughout 25-mile corridor
- 11,000 - 40,000 AADT
 - Primary RTD Route: JUMP
- Destinations include:
 - CU Boulder
 - Boulder Community Health
 - Public St. Downtown Lafayette
 - Children's Hospital
 - Butterfly Pavilion (in development)
 - Downtown Brighton
- Connections to W, G, and B light rail lines



Arapahoe Rd. / CO 7 Corridor Next Steps

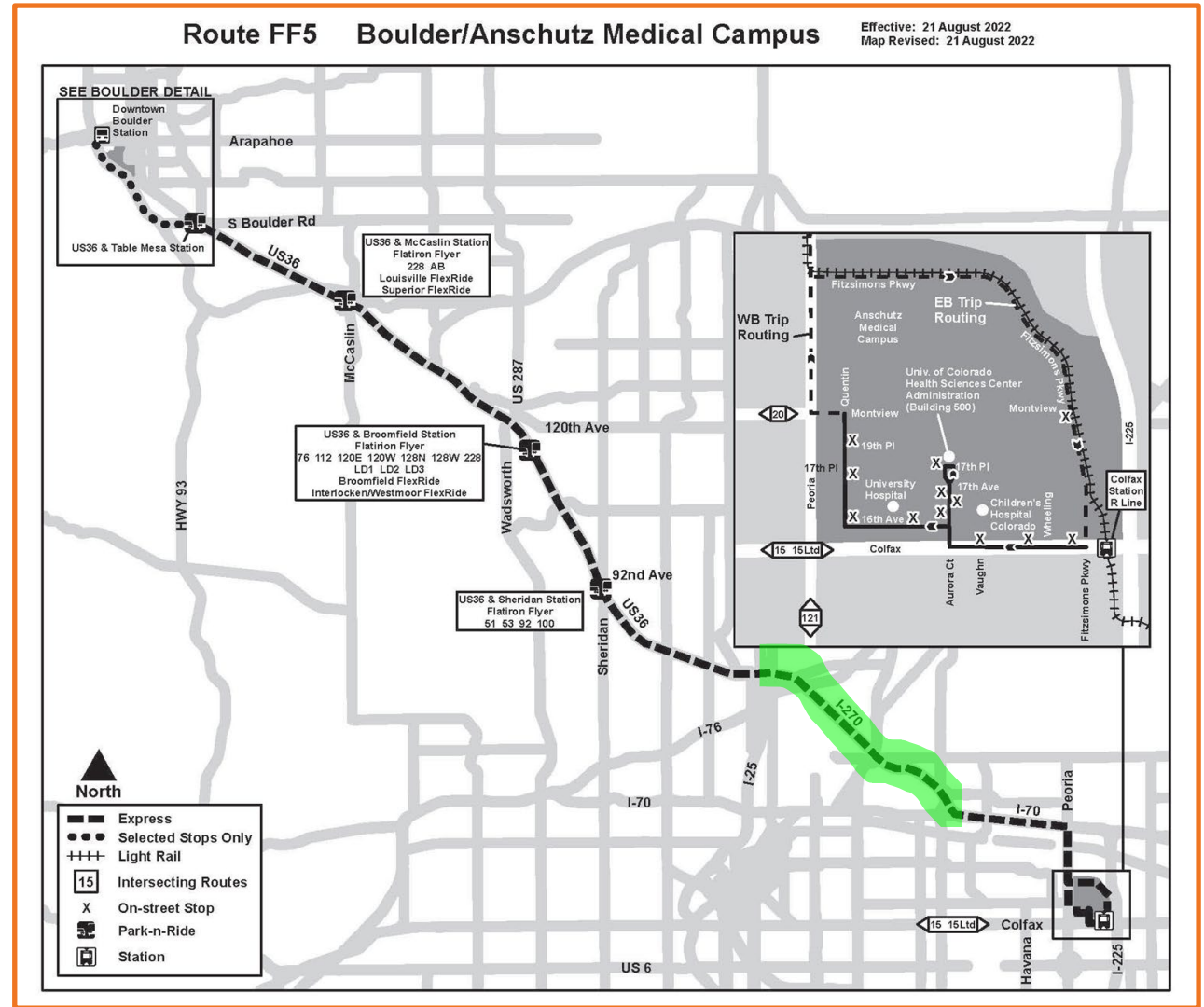


- Develop preliminary engineering (5 - 10%)
- Local jurisdictions start bus service to Brighton
- Interim mobility hub at CO 7 and I-25
- Continue to coordinate with local agencies on project phasing



I-270 Corridor Characteristics

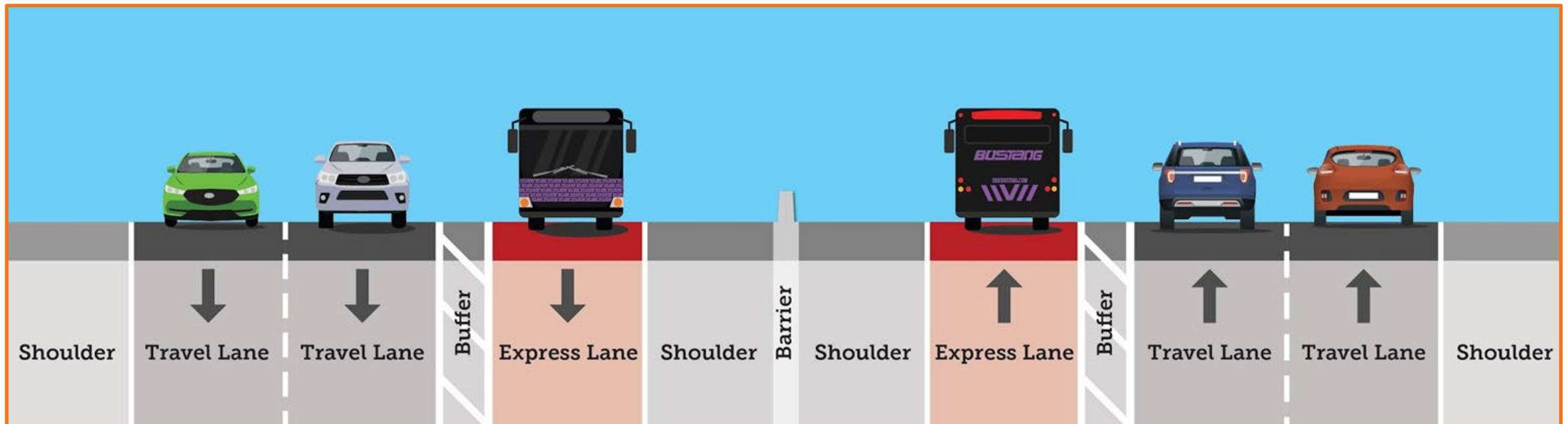
- Between I-25 and I-70
 - Includes US 36
- 4-lane freeway
- 78,000 - 105,000 AADT
- Flatiron Flyer (FF5)
 - Downtown Boulder Station - CU Anschutz Campus
 - Mixed traffic on I-270 for approx. 7 miles





I-270 Corridor Next Steps

- Add transit and express lane between I-25 and I-70
 - Reduce delay for customers during peak hours
 - Future connectivity with BRT lines (e.g., Colfax Blvd., Colorado Blvd.)





10 Year Plan and Future Priority BRT Corridors

- Complete BRT corridors by 2030
 - ✓ East Colfax Ave.
 - ✓ East Colfax Ave. Extension
 - ✓ Federal Blvd.
 - ✓ Colorado Blvd.
 - ✓ CO 119 Diagonal Hwy.
 - ✓ Arapahoe Rd. / CO 7 (highway improvements)
 - ✓ I-270 Corridor
- Additional Corridors by 2039
 - Parker/Leetsdale
 - Alameda Ave.
 - I-25
 - Speer Blvd.
 - Broadway/Lincoln

Green = CDOT-led/Involved

Blue = Denver-led



Bustang Connections



SOUTH LINE MAP



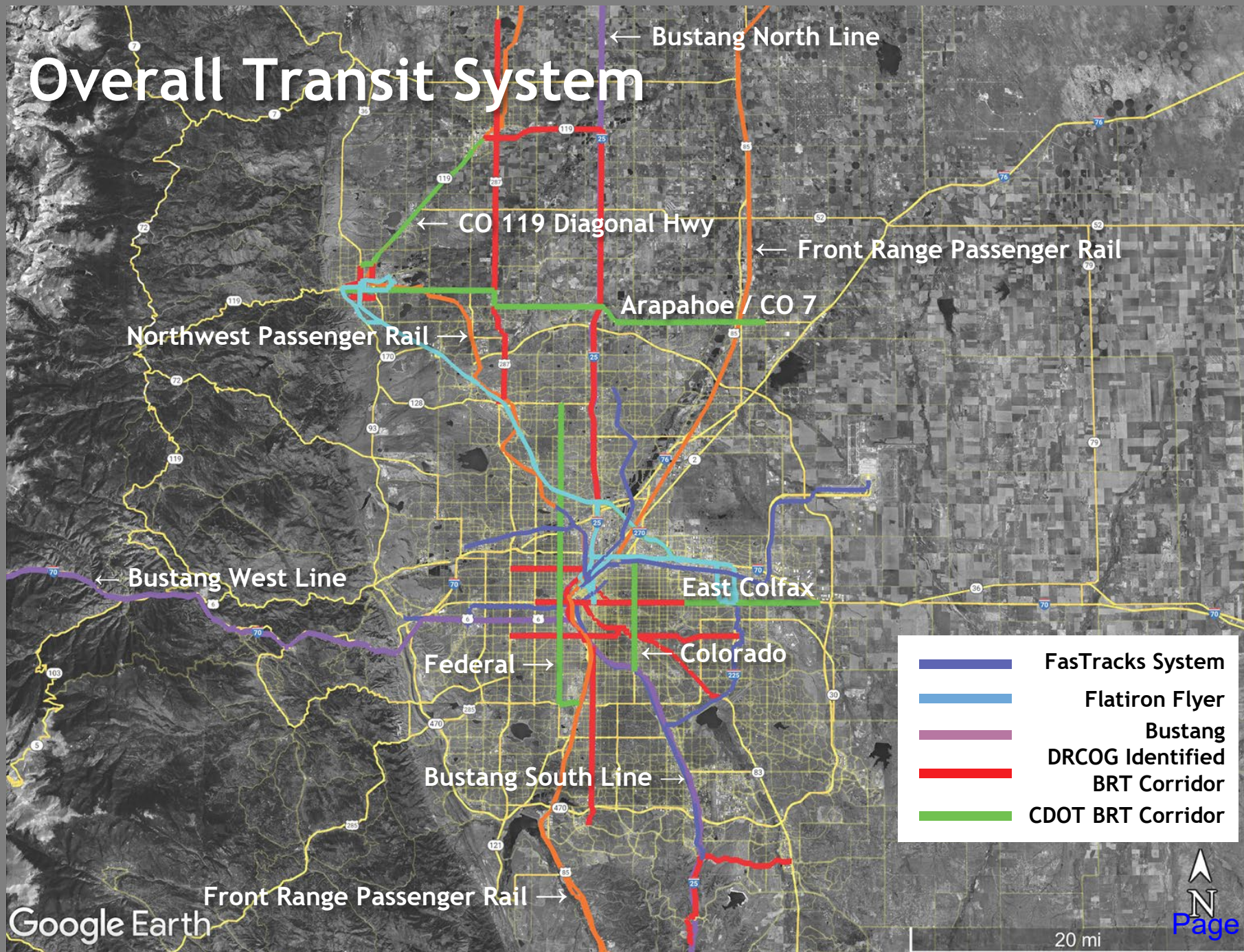
NORTH LINE MAP



WEST LINE MAP



Overall Transit System





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Thank You!

- For questions or comments, please contact:

Jessica Myklebust, LEED-AP
Region 1 Transportation Director
Jessica.myklebust@state.co.us | 303.757.9929

Angie Drumm
Region 1 Deputy Director for Traffic & Safety
Angie.drumm@state.co.us | 303.757.9877

MEMORANDUM

TO: Transportation Commission
CC: Shoshana Lew, CDOT Executive Director; Herman Stockinger, Deputy Executive Director; John Lorme, Division of Maintenance & Operations Director; Deputy Director of Operations Bob Fifer; Allie Axley, Intelligent Transportation Systems Branch Manager

FROM: Jonas Durham, Fiber Development Manager

DATE: March 2023

SUBJECT: Fee Based ROW Access for Fiber

Purpose

To present a proposed, simplified CDOT fee structure to facilitate access to CDOT rights of way for the deployment of broadband as mandated by Colorado Executive Order D-2022-0009 and Senate Bill 21-083.

Action

No action at this time, this memo is Informational only.

Background

In February 2022, the Governor issued Executive Order D 2022 009 (restated in June in EO D 2022 023) and Senate Bill 22-083, Accelerating Broadband Deployment in Colorado. This Executive Order and Senate Bill directed CDOT to make improvements to its dark fiber lease and right of way program.

In this informational presentation, we will provide detail on the method used for developing a simplified fee structure, the formula created for suggested rates, and the process improvements recommended to provide more efficient ROW access for the deployment of broadband.

Next Steps

The ITS Fiber Development Team is seeking TC approval for the fee structure in April 2023. This TC action will further define the process in C.R.S 43-1-1204 (III).



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CDOT Fiber Development

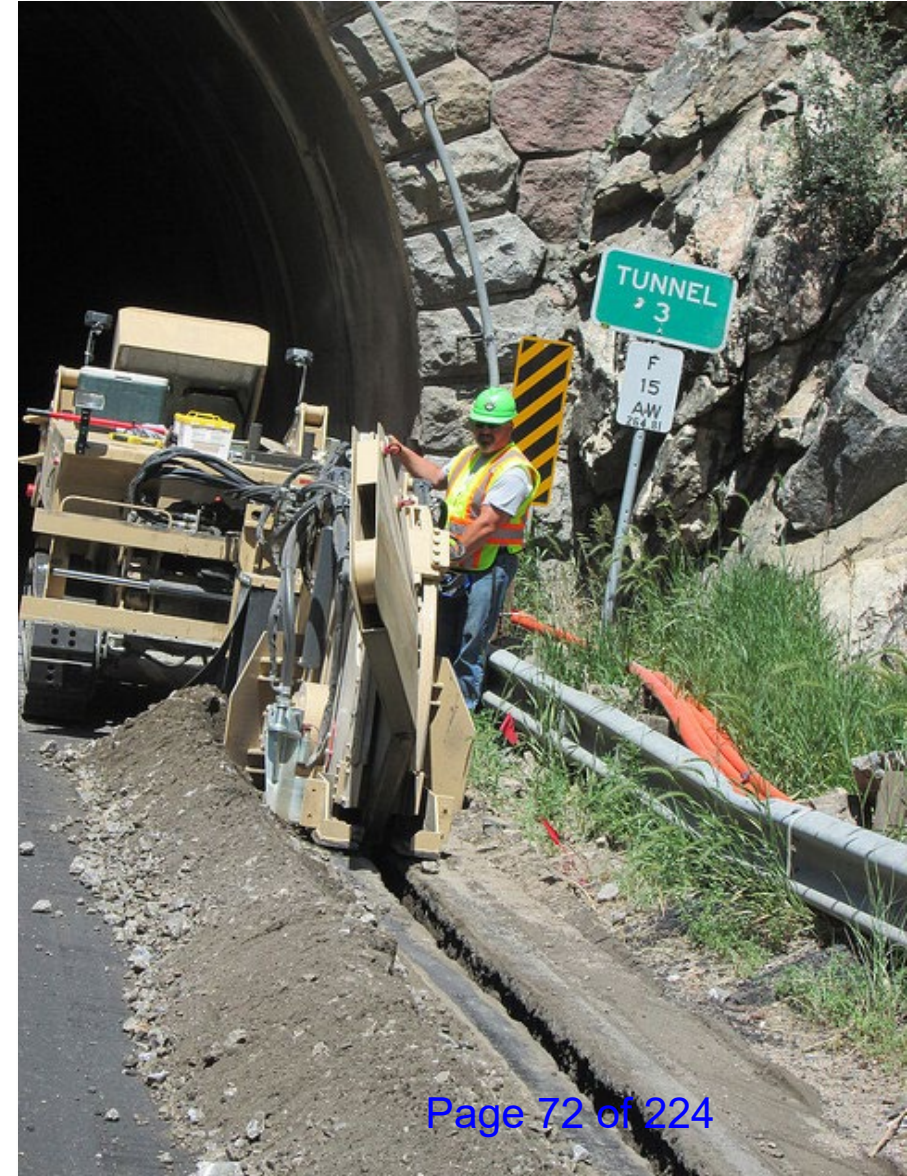
Developing a Fee Based Structure for Fiber in the ROW

Jonas Durham | Fiber Development Manager | 03/15/23



Agenda

1. Types of Fiber Agreements
2. Accessing the ROW Today
3. Developing a Fee Structure
 - Assembling the Team
 - Valuation
 - Formula Data & Calculations
 - Proposed Structure & Rates
 - Process Improvement
4. Next Steps to Implementation





Types of Fiber Agreements

Fiber Lease

- Existing spare CDOT fiber available to public or private entities

Public Private Partnership (P3)

- Fiber swaps, in-kind compensation (infrastructure)

ROW Use Agreement

- Fee based, new fiber construction in CDOT's ROW





Accessing the ROW Today

The Agreement Process

- Requires unsolicited proposal
- Approved by oversight committee
- Requires a ROW evaluation
- IGA/MSA negotiation (Procurement, Legal, State Controller)
- Regional collaboration, permitting, and engineering
- Timeline of 12-24 months



Compensation Method

- Cash: Compensation based on value of ROW





Developing a Fee Structure: EO D-2022-0009

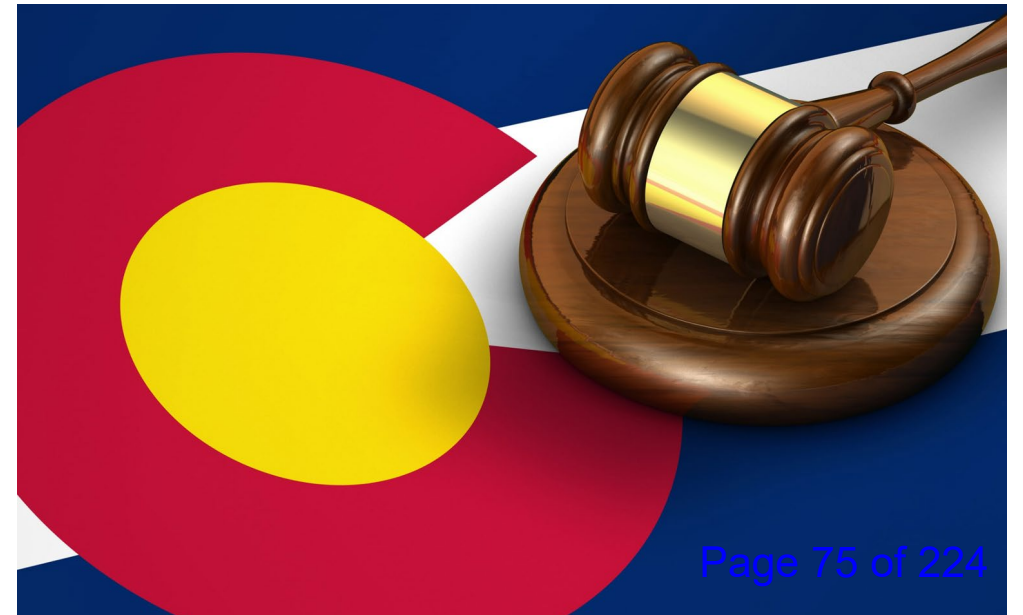
Colorado Executive Order D-2022-0009, Senate Bill 22-083, CRS 43-1-1204

E. I direct CDOT to complete the following for its Fiber Lease and Right of Way program:

1. CDOT will achieve a 90% approval rating on eligible contracts, public private partnerships, and permits, while adhering to Federal Regulations, State Statutes and procedures, as it relates to CDOT Right of Way access for broadband service providers. Acceptances and denials shall be provided to the broadband service provider in writing with clear reasons for approval and denial and be made available to the public online. C.R.S. 43-1-1201 through 1204.
2. By August 30, 2022, CDOT must develop a uniform electronic application, permitting, contract, and fee structure to facilitate non-government entities' access to CDOT rights of way and fiber lease for the deployment of broadband. This process shall include:
 - a. A transparent website that identifies the process of accessing state owned fiber must be published by March 31, 2022;
 - b. To ensure a consistent approach, while adhering to Federal regulations and State statutes, the process shall, to the extent practicable and efficient, provide equal access to Right of Way and leasing of excess fiber, for the deployment of wireline and wireless facilities; and
 - c. Standard pricing and cost frameworks, expected timelines and details about the application review process, maintenance and operational resources, and any other requirements that CDOT would deem necessary to support a standard streamlined application.

Objectives:

- Develop fee based structure for use of ROW
 - Align with State and Federal regulations
 - Competitive rates consistent with neighboring DOTs
 - “Keep it simple” - standard flat rate pricing
 - Remove roadblocks
 - Reduce timelines





Developing the Fee Structure

Assembling the Team

The Team

AG's Office

Kathy Young
Justin Curry

CBO

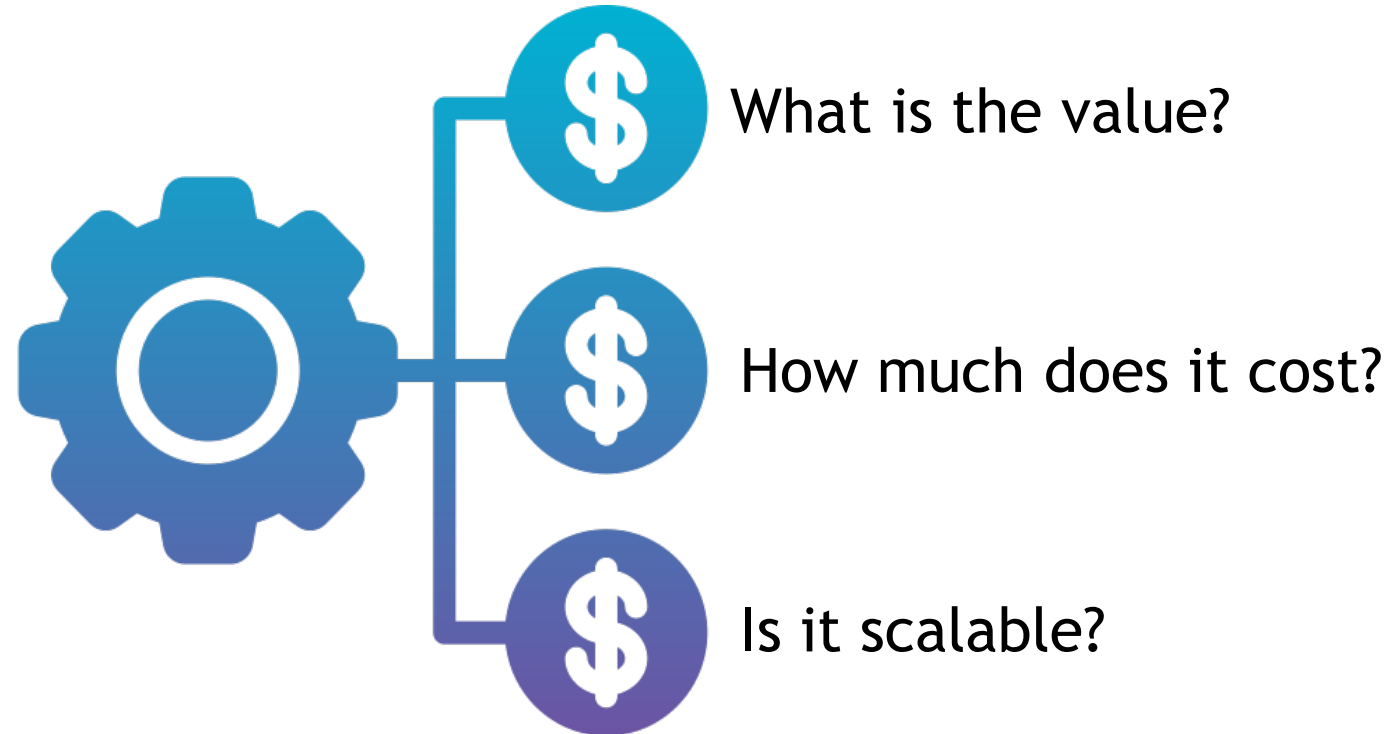
Mark Colwell
Ali Haitham
Michael Murphy
Kendall Cramer

CDOT Permitting / Utilities

R1 Chris Laughlin
R2 Todd Ausbun
R2 Valerie Vigil
R3 Joe Carter
R4 David Torez
R4 Tim Bilobran
R4 Michael Grover
R5 Randee Reider
R5 Kevin Walters
Central 70 Donna Haight

HQ Property Management / ROW

Rob Martindale
David Fox
Andrea Griner
Marcella Broussard
Dan Roussin
Dennis Blea





How the Fee Structure was Developed: Formula Data & Calculations

Route	Average ATF	Formula Per Foot
INT	\$2.35	$(((\text{Average ATF} + \text{CF}) * \text{PUF}) + \text{MLOS} + \text{AILF}) * \text{CE\&I} = \text{Rate per Ft.}$
US	\$1.76	
SH	\$1.32	

Formula Breakdown	
ATF	Across The Fence
CF	Corridor Fee = 2%
PUF	Property Use Fee = 6-10%
MLOS	Maintenance Level of Service = \$0.13 per foot x 3
AILF	Abandonment Infrastructure Liability Fee = \$0.13 per foot x 1
CE&I	Construction Engineering & Indirects = 26%

The Results

- **Valuation** - calculated the average ATF per type of highway and used that as starting point/ "fair market value"
- **Structure** - created a tiered system using high level concept for interstates, US, state highways
- **Fee Amounts** - suggested by property value, cost of maintenance, operations, liabilities



How the Fee Structure was Developed: Proposed Structure & Rates

$$(((\text{Average ATF} + \text{CF}) * \text{PUF}) + \text{MLOS} + \text{AILF}) * \text{CE\&I} = \text{Rate/ Ft.}$$

ATF	Across The Fence
CF	Corridor Fee = 2%
PUF	Property Use Fee = 6-10%
MLOS	Maintenance Level of Service = \$0.13 per foot x 3
AILF	Abandonment Infrastructure Liability Fee = \$0.13 per foot x 1
CE&I	Construction Engineering & Indirects = 26%

Considerations:

- Rates to be re-evaluated annually based on current CPI
- Urban multiplier of 1.5 applied within DRCOG boundary
- Structure and Rates comparable to neighboring DOTs

Comparison to Other DOT Rates

State	Rates Per Foot
UT	\$0.01 - \$15.90
TN	\$0.17 - \$0.51
IA	\$2.27
MD	\$3.54 - \$4.28
AZ	\$0.25 - \$1.00

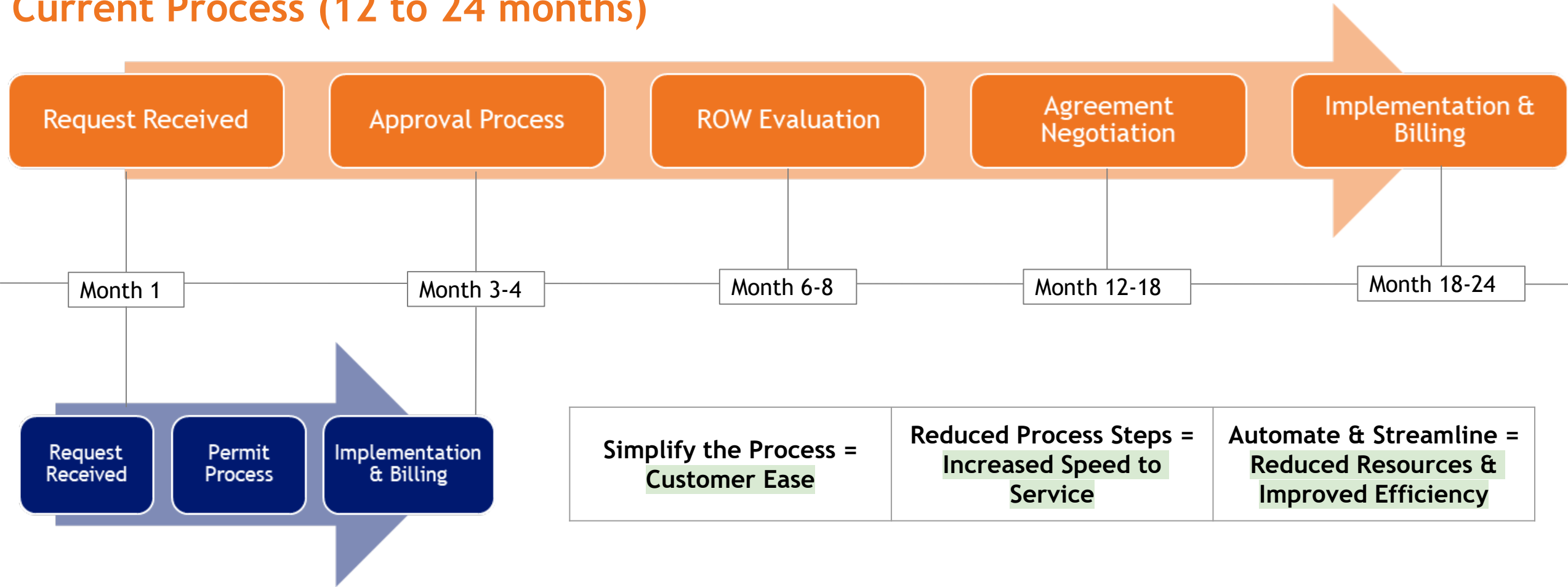
Calculation for Suggested CDOT Rates per Foot

Route	ATF AVG	ATF+2%	PUF Rate	PUF	MLOS	AILF	SUB	CE&I (26%)	Total per Ft.	Urban Mult.
INT	\$2.35	\$2.40	10%	\$0.24	\$0.39	\$0.13	\$0.76	\$0.96	\$0.96	\$1.44
US	\$1.76	\$1.80	8%	\$0.14	\$0.39	\$0.13	\$0.66	\$0.84	\$0.84	\$1.25
SH	\$1.32	\$1.35	6%	\$0.08	\$0.39	\$0.13	\$0.60	\$0.76	\$0.76	\$1.14



Improved Process Current vs Proposed

Current Process (12 to 24 months)

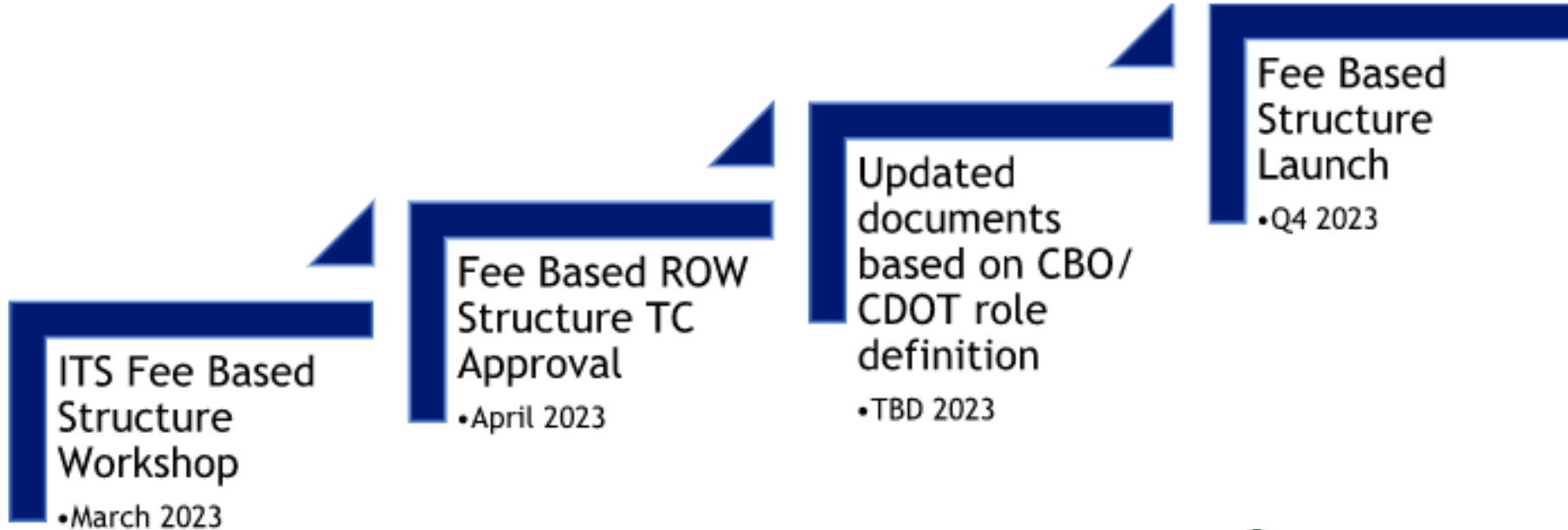


Proposed Process (3 to 4 months)

*All timeframes vary based on staffing and request volumes



Next Steps



Continued Improvements on Fee Based Structure

Continued Role Definition with CBO



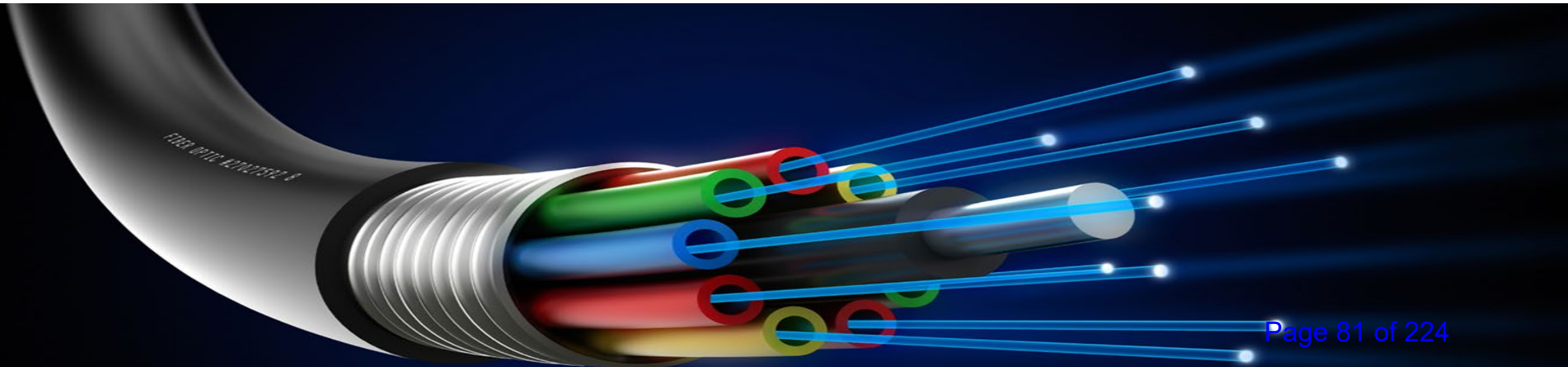
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Thank you!

You can direct questions to:

Jonas Durham
Fiber Development Manager
jonas.durham@state.co.us | 303.333.1555





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Transportation Commission

2829 W. Howard Place
Denver, CO 80204

DATE: Mar 15, 2023
TO: Transportation Commission
FROM: San Lee, PE - State Traffic Engineer
 Manjari Bhat, PE - Statewide Safety Champion
 Darrell Lingk - Director, Office of Transportation Safety
 Sam Cole - Traffic Safety Communications Manager
 Patrick Chavez - Statewide TIM Program Coordinator
SUBJECT: Advancing Transportation Safety (ATS)

Purpose and Action

To provide the Transportation Commission updates on current progress in implementing the Strategic Transportation Safety Plan (STSP) through Advancing Transportation Safety (ATS).

Details

Data Overview and Safety Approach

To reduce transportation system fatalities and serious injuries, timely, accurate, and accessible data is essential as it allows for informed decision making, effectively educates users about the current state of Colorado’s transportation system relative to crash occurrence, and allows for resources to be directed toward key transportation safety concerns.

CDOT Headquarters Traffic Safety and Engineering Services Branch uses a data-driven approach to identify and address locations throughout the state that require engineering solutions. Crash data is first collected by the law enforcement officer who arrives at the scene of the crash. These data are then assembled by the Department of Revenue and eventually sent to CDOT. Safety analyses then use the data for safety assessment reports, conducted for every CDOT project, and network screenings, used to support statewide planning efforts. Safety data are also used to evaluate HSIP projects, for both before and after studies. CDOT Regions and local agencies strategically plan improvement projects in locations with the worst Level of Service of Safety (LOSS) - a metric for how safe an intersection or roadway is compared to others in the state - to make the greatest impact toward improving safety across the state.

Recent data shows a significant increase in traffic-related fatalities and serious injuries over the last 10 years (a 69% increase in fatalities since 2011), with the sharpest increase, 26%, in the last 4 years (since 2019). A closer look at the data since 2019 shows trends in pedestrian, motorcycle, and suspected-impaired crashes. Working to reverse these trends, CDOT Regions are embarking on 68 safety projects in 2023 and 2024, in addition to the 27 core safety projects already planned.

CDOT Headquarters Traffic Safety and Engineering Services Branch is also currently starting a project to improve the CDOT Crash Data Dashboard as a useful tool for all transportation safety stakeholders in Colorado.



Advancing Transportation Safety

Advancing Transportation Safety (ATS) is a statewide collaborative effort led by a team of state and local agencies, advocacy groups, academic institutions, and private entities. ATS was developed as part of the implementation efforts for the 2020-2023 Colorado Strategic Transportation Safety Plan, required by the Federal Highway Administration (FHWA). ATS and its many partners endeavor to make a long-term investment in and commitment to transportation safety across Colorado, to cultivate a stronger transportation safety culture and ultimately achieve the vision of zero fatalities and serious injuries for all users on Colorado roadways.

To reverse the trend of increasing annual traffic fatalities, ATS is implementing a multifaceted approach using 5 distinct emphasis areas: Safe Roads, Safe People, Safe Driving, Post-Crash Care, and Safety Culture.



Safe Roads

Safe Roads identifies and implements best practices to improve the built environment with leading edge infrastructure and designs that facilitate safe trips for all modes and all roadway users. While most crashes have multiple causal factors including both driver's behavior and the built environment, some types of crashes that can be positively impacted by infrastructure improvements include: roadway departures, intersections, and head-on collisions. █ of CDOT's proposed safety projects for 2023 and 2024 address these trends.

Safe People

Some of the most vulnerable roadway users are those outside of their cars including bicyclists, pedestrians, motorcyclists, roadway crews in work zones, and first responders. Aging and novice drivers are also considered vulnerable roadway users (VRUs). Safe People focuses on strategies that protect these users. Recent trends show an increase in both pedestrian and motorcyclist fatalities. █ of CDOT's proposed safety projects for 2023 and 2024 address these trends.

Safe Driving

Safe Driving aims to improve safety by addressing drivers' behavior through targeted messaging and enforcement. Top driver behaviors that result in fatalities include alcohol impairment, speeding, aggressive driving, and not wearing seatbelts.

The Colorado Highway Safety Office (HSO), under the Office of Transportation Safety, identifies behavioral-based traffic safety challenges and works with partners and stakeholders statewide to address those challenges. The HSO receives State and Federal funding including NHTSA and MTCF High Visibility Enforcement funding. The HSO then provides funding resources to State, County, City, and Community organizations to address behavioral traffic safety challenges. Some HSO program initiatives include: impaired driving enforcement and education; high visibility enforcement, community-based traffic safety education; pedestrian and bicycle education and enforcement, and traffic safety public information campaigns. The HSO is proposing several new initiatives in 2023 related to research and public safety education, and represents CDOT at state and national highway safety committees.

CDOT's Communications Office uses a \$3.7 Million budget provided by HSO to create mass media traffic safety awareness campaigns. The funds are prioritized to go toward campaigns that address behaviors that have the greatest impact on safety. Tactics include paid media, earned media, owned media, and



leveraging partnerships to increase visibility. Strategies used are evidenced-based, using research from NHTSA and other emerging research on behavior change. The results of these campaigns are measured using annual surveys, pre- and post-campaign surveys, online engagement, impressions, and the fatality dates.

Post Crash Care

Another approach to reducing traffic-related fatalities is to increase the survivability of crashes through efficient emergency response, improved access to emergency medical care, safe conditions for first responders, and improved traffic incident management practices.

Traffic Incident Management (TIM) is a key element of post-crash care. Effective TIM reduces congestion, protects first responders, and reduces the likelihood of a secondary crash, or a crash caused by the congestion from another crash. The TIM National Unified Goal is to improve responder safety; enhance safe, quick clearance of traffic incidents; and provide prompt, reliable, interoperable communications. To achieve these goals, TIM works to align post-crash care with current programs, leverage new technologies, and support local programs. The first step is to expand standardized TIM training programs across the state within the next year, ensuring state and local agencies can perform incident response effectively and safely.

Safety Culture

Safety Culture ties together all 4 of the other emphasis areas. Transportation Safety Culture is foundational to achieving zero fatalities and serious injuries on Colorado roadways. The U.S. Department of Transportation defines safety culture as “the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.” For Colorado, Safety Culture is embracing and championing safety at all levels and the public actively practices and encourages safe driving behaviors.

ATS is using these approaches to reduce the number of traffic fatalities on Colorado’s roadways and reverse this alarming trend.

Attachments

Appendix A - List of CDOT Regions’ Safety Projects

Appendix B - HSO Traffic Safety Partners (Grantee’s)

See Also: Strategic Transportation Safety Plan (Full Document) <https://www.codot.gov/safety/traffic-safety/assets/stsp/strategictransportationsafetyplan.pdf>



	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 1	EXAMPLE - Douglas County: Rumble Strips, Cable Rail and Shoulder Widening on Perry Park Rd (19.7 Miles), address Fatal and Serious Injury Pattern	Roadway Departure	Motorcycles		Core Safety Projects
Region 1	EXAMPLE - HAWK Signal addressing Ped Fatal on X Street	Pedestrian or Bikes	Pattern		
Region 1	EXAMPLE - US 36/Sheridan Blvd (Westminster): Bikeway. Underpass and Intersection Improvements. "Smart Channel" for ramp, up-stream rumble st, high vis cross walks, speed tables,HAWK, beacons.	Pedestrian or Bikes	Intersection	Sideswipe Same Direction Collisions	
Region 3	EXAMPLE - I-70 in Garfield and Eagle Counties (4 locations): Median Cable Rail	Roadway Departure	Head On		
Region 2	US 24 East of Florissant: Improve sight distance limitations - Flatten curve, update warning signs, guardrail	Roadway Departure	Pattern	Guardrail	
Region 4	EXAMPLE - US 287 and SH 52 Intersection Improvements	Intersection	Pedestrian or Bikes	Approach Turn Collisions (Left turns), Bicycle Lanes, Ped Friendly	Core Safety Projects
Region 5	EXAMPLE - Durango: College Dr and 8th Ave Road Diet (4 to 2 Lanes plus Center Turning Lane)	Pedestrian or Bikes	Pattern	Traffic Calming, Reduce Speeds	
Region 4	CO119 Nederland West to Roundabout	Roadway Departure	Pedestrian or Bikes	Shoulder widening on high use bike corridor	Core Safety Projects
Region 4	CO 392 & WCR 23 Signalization	Intersection Improvement	Pattern	Broadside collisions	Core Safety Projects
Region 5	EXAMPLE - US 160 Wolf Creek Pass. Fiber Optic Cable, Dynamic Message Signs	Roadway Departure	Speeding	Heavy Trucks. Variable Speed Limits	
Region 3	EXAMPLE - I-70 Dowd Canyon (near Vail): Variable Speed Limits	Speeding	Pattern		
Region 4	287 Median Barrier, US36 to Larimer County Line -	Roadway Departure	Head On	Can be phased	Shovel Ready for 2024
Region 2	CO 69 Shoulder Widening and Rumble Strips	Roadway Departure	Head On		Immediate action 2023
Region 2	CO 67 Curve modifications and pull out	Motorcycles	Aggressive Driving		Immediate action 2023

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 2	Baptist and Terrazo roundabout	Pattern	Pattern	Angled, rear ends, excessive delay	Immediate action 2023
Region 2	US 285 Bailey, barrier / guardrail / signing / rumble strips	Roadway Departure	Speeding	CMV crash mitigation, speeding	Immediate action 2023
Region 2	US 24 Colorado Springs Ped improvement project, speed tables, crossing modification, signal operation modifications	Pedestrian or Bikes	Pattern		Immediate action 2023
Region 2	CO 94 & Monument Ave Median Pedestrian Islands and RRFB's	Pedestrian or Bikes	Pattern		Immediate action 2023
Region 2	US 24 & Cliff Dwelling Access restriction	Intersection Improvement	Pattern	Approach Turns and BroadSides	Immediate action 2023
Region 2	US 85 & Carson Blvd Continous Green intersection	Broadside	Approach Turn		Shovel Ready for 2024
Region 2	US 50 & CO 231 Intersection Improvements	Pedestrian or Bikes	Approach Turn		Immediate action 2023
Region 2	Center Line Rumble Strips - complete all two lane hihgways in R2	Head On	Aggressive Driving		Core Safety Projects
Region 2		Pattern	Pattern		
Region 4	US 36 Guardrail	Pedestrian or Bikes	Pattern		Shovel Ready for 2024
Region 4	CO 392 & WCR 35	Intersection Improvement	Broadside		Core Safety Projects
Region 4	Longmont Bike/Ped Safety	Pedestrian or Bikes	Intersection Impr...	4 intersections identified in bike/ped study	Core Safety Projects
Region 4	FY 23 ADA	Pedestrian or Bikes	Pattern		Shovel Ready for 2024
Region 4	US 40/US 34 Rumblestrips	Head On	Roadway Departure	Centerline rumblestrips	Core Safety Projects
Region 4	CO 93/CO 170 Park n Ride ped crossing and signal improvements	Pedestrian or Bikes	Approach Turn	FYA at intersection, RRFB at trailhead/PNR	Immediate action 2023
Region 4	392 Safety Improvements	Intersection Improvement	Speeding	Flashing stop signs and pull outs for enforcement	Core Safety Projects
Region 4	CO 66 & WCR 21 Intersection Improvement	Intersection Improvement	Approach Turn	BroadSides and approach turn	Core Safety Projects

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 4	392 & WCR 55 Islands	Intersection Improvement	Pattern		Core Safety Projects
Region 4	MLOS Flashing stop signs	Head On	Intersection Impr...	5 locations in FY 22 & FY 53	Immediate action 2023
Region 4	392 & LCR5 intersection striping & signal modifications (MLOS)	Approach Turn	Pattern	Restripe negative offset and protected only TOD phasing	Immediate action 2023
Region 4	CO 14 and East Frontage Rd signal modifications (MLOS)	Approach Turn	Pattern	Signal phasing to address pattern	Immediate action 2023
Region 4	US 287 & Berthoud Parkway (MLOS)	Approach Turn	Pattern	Signal phasing to address pattern	Immediate action 2023
Region 4	US 85 & WCR 14.5 Intersection Improvements	Approach Turn	Intersection Impr...		Core Safety Projects
Region 4	CO 392 & 15th Street (MLOS)	Pedestrian or Bikes	Pattern	Push button and ped timing	Immediate action 2023
Region 4	US 34 & CR17 signal mods (MLOS)	Approach Turn	Pattern	Add left turn head for protected movement	Immediate action 2023
Region 4	MLOS Flashing Yellow Arrows various locations	Approach Turn	Pattern		Immediate action 2023
Region 4	US 85 & WCR 66 Intersection Improvements	Approach Turn	Broadside		Core Safety Projects
Region 4	CO 52 & WCR 41 Signalization	Intersection Improvement	Broadside		Core Safety Projects
Region 4	CO 61A Resurfacing & shoulders	Roadway Departure	Pattern	Add shoulders on curves	Shovel Ready for 2024
Region 4	CO 52 Prospect Valley Ph II	Roadway Departure	Pattern	Add shoulders	Shovel Ready for 2024
Region 4	I-76 Cablerail	Roadway Departure	Head On		Core Safety Projects
Region 3	070B & 31 1/2 Rd Intersection Improvements	Intersection Improvement	Pattern	LT lane too short, so project will extend it to accomodate queue	Immediate action 2023

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 3	Yield lines and R1-5 (Yield Here to Pedestrians) installed on all of the double lane entrances coming up to a two lane crosswalk on all of the roundabouts within Region 3.	Pedestrian or Bikes	Pattern	There were no yield lines or signs at the two lane crosswalk entrances.	Immediate action 2023
Region 5	Wolf Creek Fiber Project	Roadway Departure	Speeding	Improved communication to drivers and increased/immediate data collection/feedback for weather and road conditions.	Immediate action 2023
Region 5	225 & HWY 160 Roundabout	Intersection Improvement	Pattern	Poor sight distance and high traffic volumes on highway and side streets. The RAB will improve LOS and make the intersection safer	Core Safety Projects
Region 5	Poncha Pass Guardrail Upgrade & Installing Guardrail at Waiverly ditch Alamosa	Roadway Departure	Pattern	Waiverly ditch area has poor sight distance and an odd curve in the road which has lead to many departures at that location.	Shovel Ready for 2024
Region 5	Speed Radar Sign Capulin MP 22.76 and MP 22.22	Speeding	Pattern		Immediate action 2023
Region 5	Speed Radar Sign HWY 491 Cortez	Speeding	Pattern		Immediate action 2023
Region 5	Intersection Warning Signs w/ flashing beacons 160 & Juniper Lane	Intersection Improvement	Speeding		Immediate action 2023
Region 5	Wolf Creek Guardrail Upgrades	Roadway Departure	Pattern		Shovel Ready for 2024

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 5	291 & 50 Roundabout	Intersection Improvement	Pattern		Core Safety Projects
Region 5	Paco/Billy Creek Wildlife Fencing	Pattern	Pattern	Wildlife crashes	Core Safety Projects
Region 5	US 160 East of Fort Garland Safety and Wildlife Mitigation	Pattern	Pattern	Wildlife crashes	Core Safety Projects
Region 5	Pagosa Reconstruct -road diet, RRFB's bulb outs	Pedestrian or Bikes	Approach Turn		Core Safety Projects
Region 5	HWY 160 & CR 30.1 (Phil's World) intersection Improvements and wildlife mitigation	Intersection Improvement	Pattern	Wildlife Crashes	Core Safety Projects
Region 5	US 160 West of Pagosa Springs Surface treatment and 160 MP 141 - MP 143 restripe and auxiliary lane additions	Intersection Improvement	Approach Turn		Core Safety Projects
Region 5	US 50 & 285 Realignment and signal with surface treatment	Intersection Improvement	Pattern		Core Safety Projects
Region 5	US 160 & Pike to US 160 & CR 105 S Corridor Improvements MP 228 - MP 232	Speeding	Intersection Impr...	Peds & Bikes	Core Safety Projects
Region 5	US 160 Durango to Cortez Wildlife Mitigation	Pattern	Pattern	Wildlife Crashes	Core Safety Projects
Region 3	Glenwood Canyon Curve Warning and CMV Signage Improvements	Roadway Departure	Aggressive Driving		Immediate action 2023
Region 3	Straight Creek CMV Signage Improvements	Aggressive Driving	Speeding		Shovel Ready for 2024
Region 3	US6B Grand Junction Signal Replacement	Intersection Improvement	Pattern	Signal Replacement	Immediate action 2023
Region 3	Installing Snow Proof Signals in signal heads frequently snow packed	Intersection Improvement	Broadside	Rear End	Immediate action 2023
Region 3	CO82 Signal timing review	Intersection Improvement	Pattern		Immediate action 2023
Region 1	R1 Signal Controller Upgrade (Phase 5) to help us improve & modernize our communications with our detectors and traffic management	Intersection Improvement	Pedestrian or Bikes		Immediate action 2023
Region 1	Region 1 Guardrail Safety Improvements	Roadway Departure	Head On		Immediate action 2023
Region 1	SH 83 and SH 88 bottleneck and safety element included is protected left turn phasing (split Phasing for SH 83 at Lewiston Way EB/WB	Intersection Improvement	Approach Turn		Immediate action 2023
Region 1	SH30 at Hampden turn lane	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	SH 88 Federal to Price Median	Head On	Pedestrian or Bikes		Shovel Ready for 2024
Region 1	Broadway Signal Replacement	Intersection Improvement	Pedestrian or Bikes		Shovel Ready for 2024
Region 1	Federal HSIP Signal Improvements	Intersection Improvement	Pedestrian or Bikes		Shovel Ready for 2024
Region 1	N. Federal Blvd Median 92nd to 105th	Pedestrian or Bikes	Pattern		Shovel Ready for 2024
Region 1	US40 Empire Wildlife Crossing	Pattern	Pattern	Wildlife Crashes	Shovel Ready for 2024
Region 1	SH 83 and US 285 Centerline Rumble Strips	Head On	Pattern		Shovel Ready for 2024

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 1	SH 121 North Signal Reconstruction	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	I-70 Genesee to 6th Avenue VSL	Speeding	Aggressive Driving		Shovel Ready for 2024
Region 1	I-70 resurfacing – includes additional guardrail, cable barrier improvement, and physical separation of multi-use path at Silver Plume	Roadway Departure	Pedestrian or Bikes		Shovel Ready for 2024
Region 1	R1 Bike/Ped Safety Improvement Project (10yr. plan)	Pedestrian or Bikes	Intersection Impr...		Shovel Ready for 2024
Region 1	Sheridan Blvd. 17th Avenue to 26th Ave. multimodal Improvement Project (10 yr. plan)	Pedestrian or Bikes	Pattern		Shovel Ready for 2024
Region 1	Federal Blvd Town of Sheridan Segment Safety Improvement Project (10 yr. plan)	Pedestrian or Bikes	Intersection Impr...		Shovel Ready for 2024
Region 1	North Sheridan Westminster signal package CY24 (76th, 80th, 81st, 84th)	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	South Santa Fe Dr (US85) Signal Package CY24 (Union, RR Crossing & Oxford)	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	West 120th Ave Signal Package CY24 (Melody/Huron)	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	South Wadsworth Signal Package CY24 (Alameda, 5th, Ohio, Florida)	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	Broomfield signal package - (4) 121A & 287C	Intersection Improvement	Pattern		Shovel Ready for 2024
Region 1	Package #1 Regionwide cable rail gap project	Head On	Roadway Departure		Shovel Ready for 2024
Region 1	Installing Wrong Way Prevention Technology I-225/Mississippi with flashing sign and CCTV for evaluation	Head On	Pattern		Immediate action 2023
Region 1	Implementing Innovative Crosswalk & Lighting at 5 locations SH 121 at 86th/84th, SH 287@ 90th, SH 391@ Ralston/58th, SH 287@96th recently planned to add location Pomona and Wads because of pedestrian complaints	Pedestrian or Bikes	Pattern		Immediate action 2023
Region 1	Expanding our pedestrian solar median light – already installed at are Fed/25th, 27th, 42nd, and 47th. Also expanding this onto some channelized RT's throughout the region missing roadway lighting.	Pedestrian or Bikes	Pattern		Immediate action 2023
Region 1	Work order completed, after period being monitored: Conversion of 2-way stop condition with extremely high broadside pattern to 4-way stop condition at Dahlia / I-76 frontage road. This far, no further crashes reported - roundabout concept under development in case it is needed.	Intersection Improvement	Pattern		Immediate action 2023

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 1	Work order submitted, delivery in progress: Colfax viaduct pedestrian improvements (North sidewalk RRFB's at I-25 NB on ramp and Auraria Pkwy ramp to WB Colfax., improved bike/ped signage and striping, SB I-25 off-ramp lane reassignment.	Pedestrian or Bikes	Pattern		Immediate action 2023
Region 1	Work order submitted, delivery in progress: I-25/Buchtel/Washington collaborative TE work order with DOTI - lane narrowing, traffic calming, improved ped and speed signage as well as lane guidance.	Intersection Improvement	Aggressive Driving		Immediate action 2023
Region 1	Work order being submitted next week: Sand Creek Drive along I-270 - high severity (and fatality) cross-over head-on crash pattern identified. Issue identified as lack of driver awareness of approaching change in roadway curve radii. Input from Commerce City PD also. Work order to add significant curve warning signage prior and throughout, retro-reflective guidance on existing guardrail, and advisory speed limit postings. Further, a no passing zone study is underway and is anticipated to reveal the need for centerline rumblestrips and solid double yellow striping through this segment.	Head On	Pattern		Immediate action 2023
Region 1	Concept development for intended fast implementation of lane reduction at 4th & Havana. Up to now this has been collaborative with Aurora, but CDOT is working to come in with a more substantial long term solution.	Head On	Pattern		Immediate action 2023
Region 1	Concept under development for Sheridan from 26th to I-70 to work to identify short term improvements and further create a more substantial project focused on delivering ADA compliant bike/ped sidewalks in this constrained segment while also improving driver safety with raised medians. This intends to be both a quick implementation project with a few elements, but primarily intends to deliver a large-scale safety project that would ultimately be constructed beyond CY24.	Pedestrian or Bikes	Pattern		Core Safety Projects
Region 1	Automated Road Closure Gate System. This pilot project will develop the R1 concept to close roadways during incident/weather events. The project will deploy available technology to reduce the use of law enforcement and CDOT maintenance personnel.	Intersection Improvement	Pattern		Core Safety Projects

	Project Description/Location	Primary Pattern	Secondary Pattern	Other Pattern or comment	Safety Bucket
Region 1	LIDAR Detection Technology. This pilot project will evaluate the viability of Light Detection and Ranging (LiDAR) technology to detect vehicular and vulnerable road users (pedestrian and bicyclists) at urban intersections.	Pedestrian or Bikes	Pattern		Shovel Ready for 2024
Region 1	Connected Vehicle (CV) technology (SH-121, SH-88). This pilot project will improve travel time and reduce the number of stops for snow plow operators, enhance safety, reduce time to dry pavement, improve traffic flow along the arterials during and after snow removal, and reduce fuel consumption, cost, and emissions.	Intersection Improvement	Pattern		Immediate action 2023
Region		Pattern	Pattern		
Region		Pattern	Pattern		
Region		Pattern	Pattern		
Region		Pattern	Pattern		
Region		Pattern	Pattern		
Region		Pattern	Pattern		
Region		Pattern	Pattern		



COLORADO

Department of Transportation

Colorado Traffic Safety Report

Transportation Commission Workshop

Wednesday: March 15, 2023

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Agenda

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Data Overview and Safety Approach, San Lee

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Safe Roads and Safe People

04

Safe Driving, Darrell Lingk and Sam Cole

05

Post Crash Care, Patrick Chavez

06

Q & A



Data Overview & Safety Approach



CDOT's safety approach to address 2022 increasing trends:

1. Continue to deliver base programs for core safety initiatives.
1. Ramping up design and creating *shovel ready* projects for delivery in 2024.
1. Data driven analysis to identify safety *hot-spots* and deliver quick-win projects in 2023.
1. Work with partners/stakeholders to implement new programs, initiatives, and campaigns to address behavior based traffic safety challenges.
1. Improve post crash care response by integrating and educating Traffic Incident Management (TIM) principles in local jurisdictions.



Data Overview & Safety Approach

Crash Data Workflow



Crash Occurs



Law enforcement fills out crash form



CDOR collects crash reports



CDOT reviews and cleans crash data



CDOT publishes crash data

Project Selection and Delivery



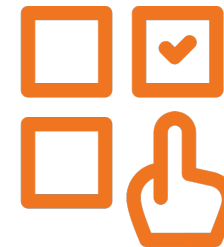
CDOT analyzes crash data



Network Screening



Statewide Planning for future projects



Safety Assessment Recommendations

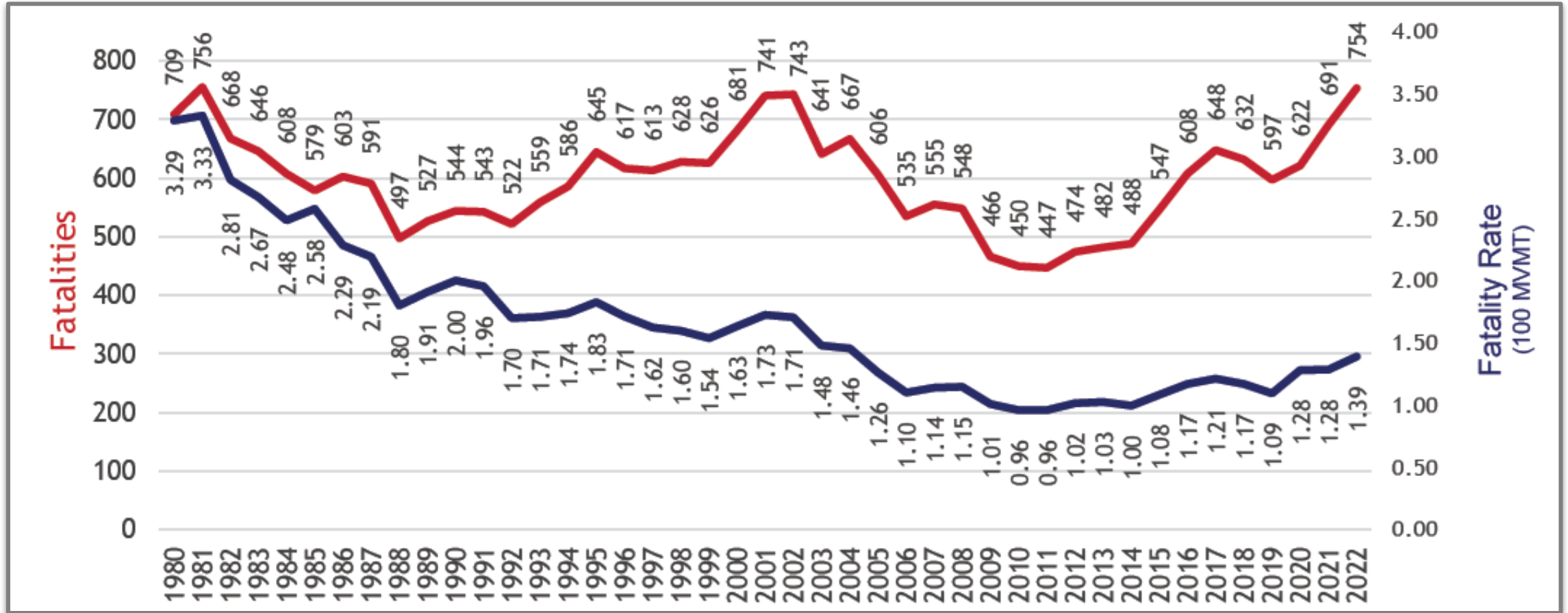


Project Delivery



Data Overview & Safety Approach

Colorado Fatality Trends (1980 - 2022)

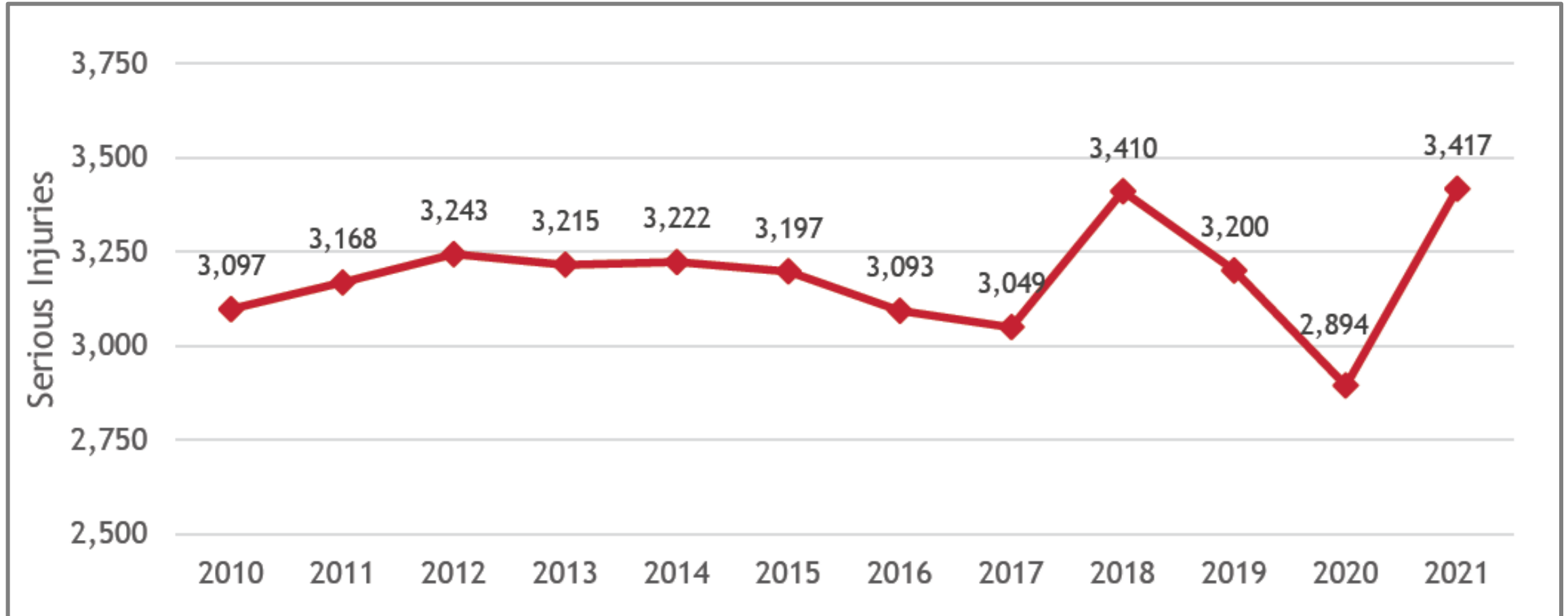


NOTE: 2023 Fatalities are 78 as on March 1, 2023



Data Overview & Safety Approach

Colorado Serious Injury Trends (1980 - 2021)





Data Overview & Safety Approach

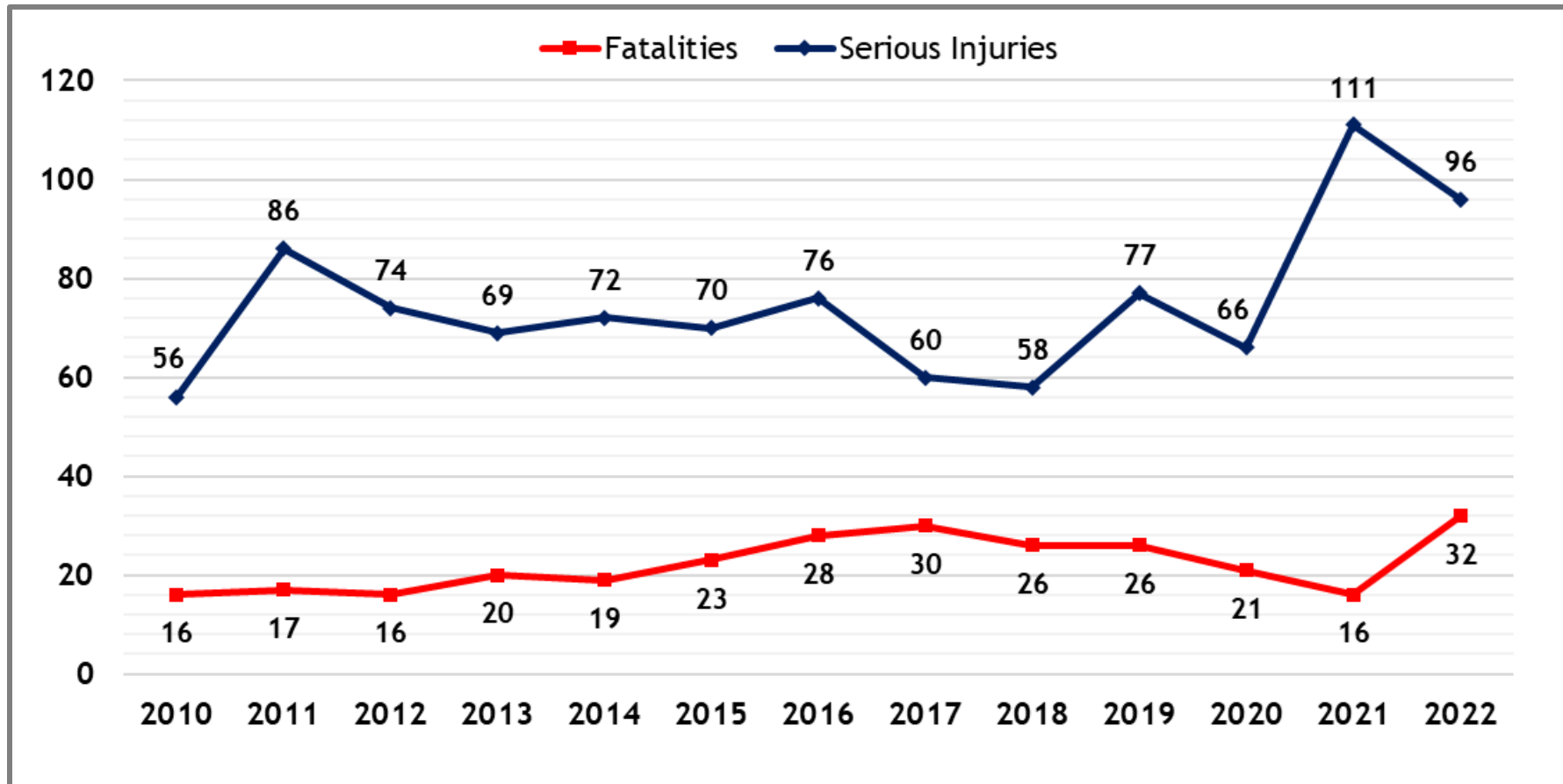
	2019		2020		2021		2022		% Change 2019 - 2022
	# of Fatalities	% of Total Fatalities	# of Fatalities	% of Total Fatalities	# of Fatalities	% of Total Fatalities	# of Fatalities	% of Total Fatalities	
Urban	353	59%	388	62%	385	56%	444	59%	26%
Rural	244	41%	234	38%	306	44%	303	41%	24%
On System	342	47%	374	60%	432	63%	448	60%	31%
Off System	255	43%	248	40%	259	37%	299	40%	17%
Pedestrian	76	13%	93	15%	94	14%	108	14%	42%
Bicyclist	20	3%	15	2%	15	2%	13	1.7%	-35%
Motorcycle Scooters	103	17%	140	23%	137	20%	149	20%	45%
Suspected Impaired	176	29%	212	34%	255	37%	279	37%	59%

1. Suspected Impairment refers to alcohol and drugs.
Assumption for 2022 total fatalities is 747 (preliminary as of 12/31/2022)



Data Overview & Safety Approach

Statewide Trucks (10,000 lbs or Over) At-Fault Crash Fatalities and Serious Injuries (2010 - 2022)





Data Overview & Safety Approach

Safety Infrastructure Approach

Core Safety Projects

- Foundational Projects
- FASTER/HSIP
- 10 Year Plan

27 Projects
\$XXX,XXX

Shovel Ready Projects

- Beyond Core Projects
- Addresses Fatal Trends
- Implement in 2024

29 Projects
\$XXX,XXX

Immediate Action Projects

- Implement in 2023
- Quick-win projects to address 2022 crash patterns

39 Projects
\$XXX,XXX



Data Overview & Safety Approach

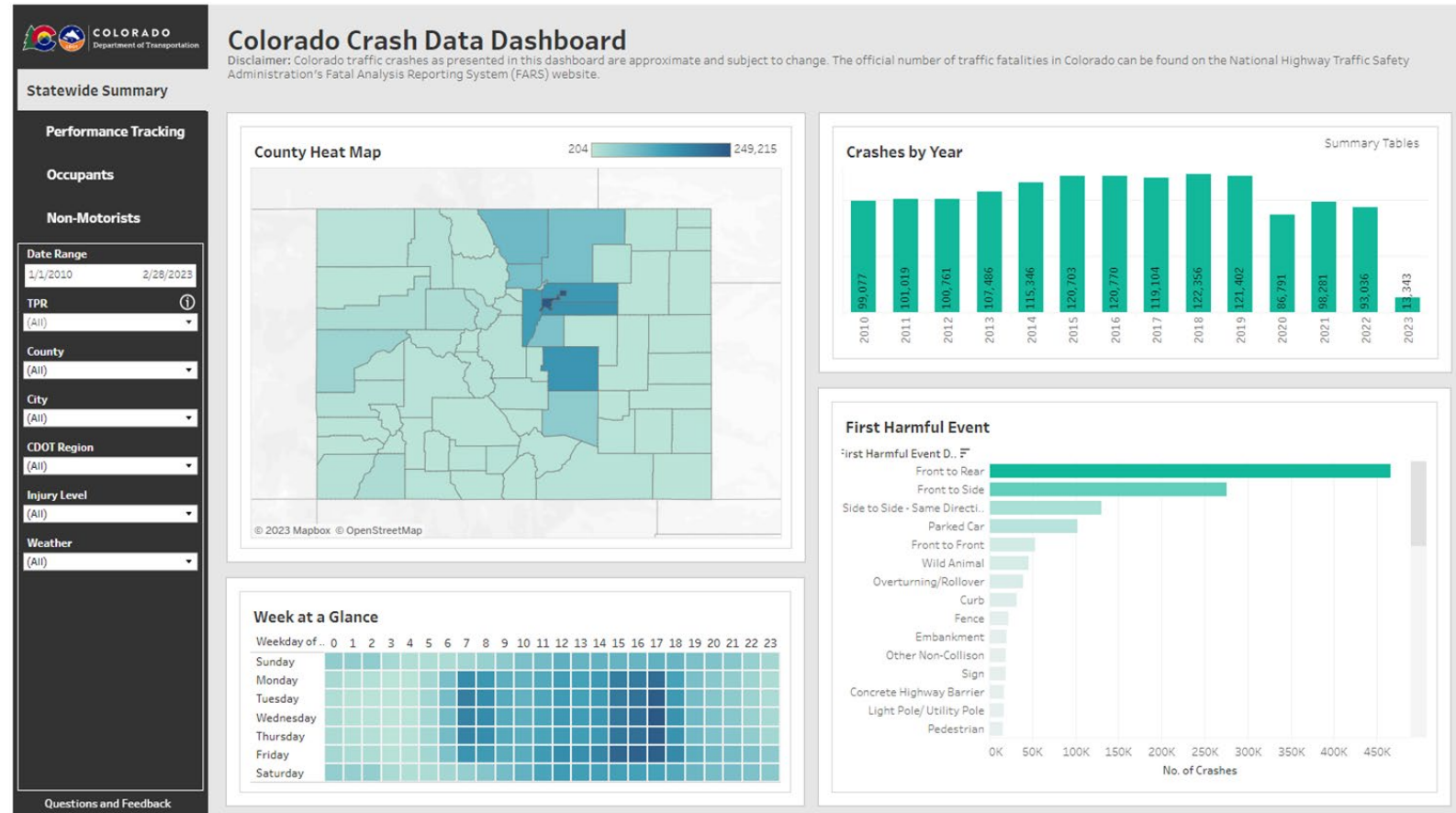
CDOT Crash Data Dashboard Advancement Project

Project Goal:

- Improve the CDOT Crash Data Dashboard as a useful tool for all transportation safety stakeholders in Colorado.

Project Justification:

- Timely, accurate, and accessible data promotes informed decision-making, educates users about the state of Colorado's roadways, and allows for effective resource allocation toward key transportation safety concerns.





**Advancing Transportation
Safety Emphasis Areas**



Advancing Transportation Safety Emphasis Areas



Safety Culture

- ✓ Legislation & Policy
- ✓ Data Management
- ✓ EDI (Equity, Diversity, Inclusion)
- ✓ Funding

Safe People

- ✓ Bicyclists & Pedestrians
- ✓ Motorcyclists
- ✓ Young Drivers
- ✓ Elderly Drivers
- ✓ Work Zones
- ✓ First Responders

Safe Roads

- ✓ Infrastructure
- ✓ Speed
- ✓ Intersections
- ✓ Roadway Departures
- ✓ Access Management
- ✓ Maintenance

Safe Driving

- ✓ Impaired Driving
- ✓ Distracted Driving
- ✓ Aggressive Driving
- ✓ Occupant Protection
- ✓ Speeding

Post Crash Care

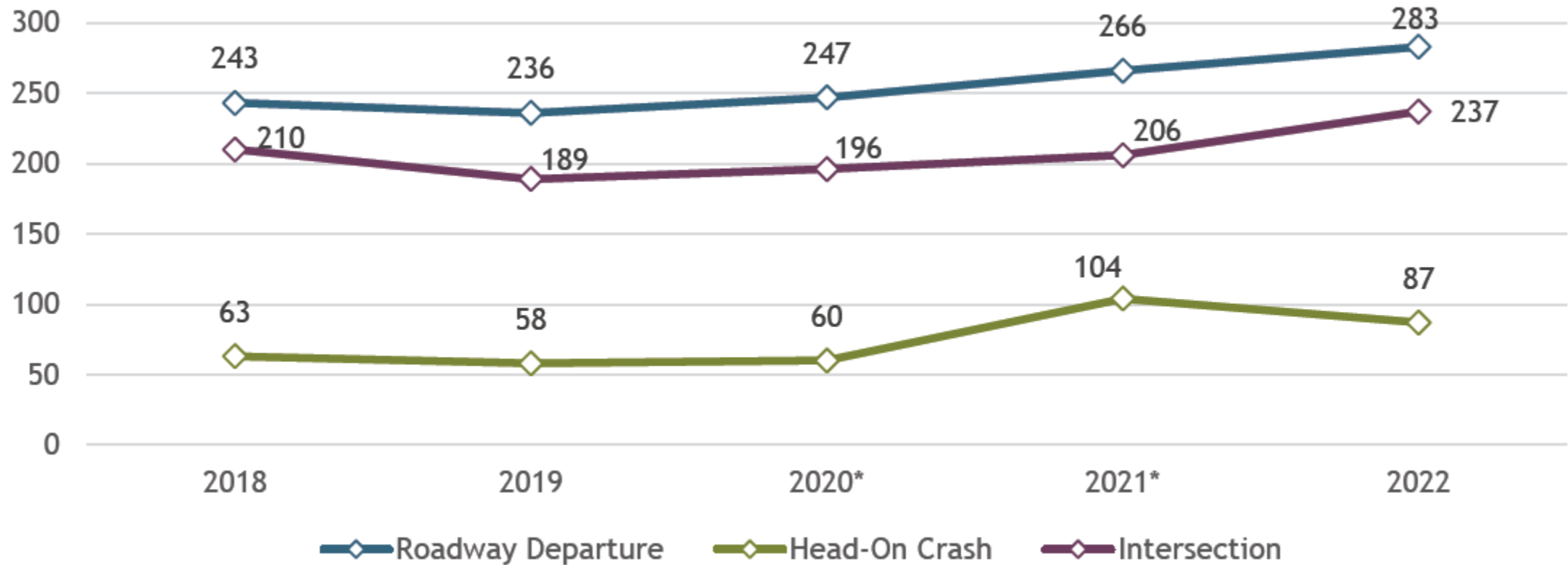
- ✓ First Responders
- ✓ TIM (Traffic Incident Management)



Safe Roads

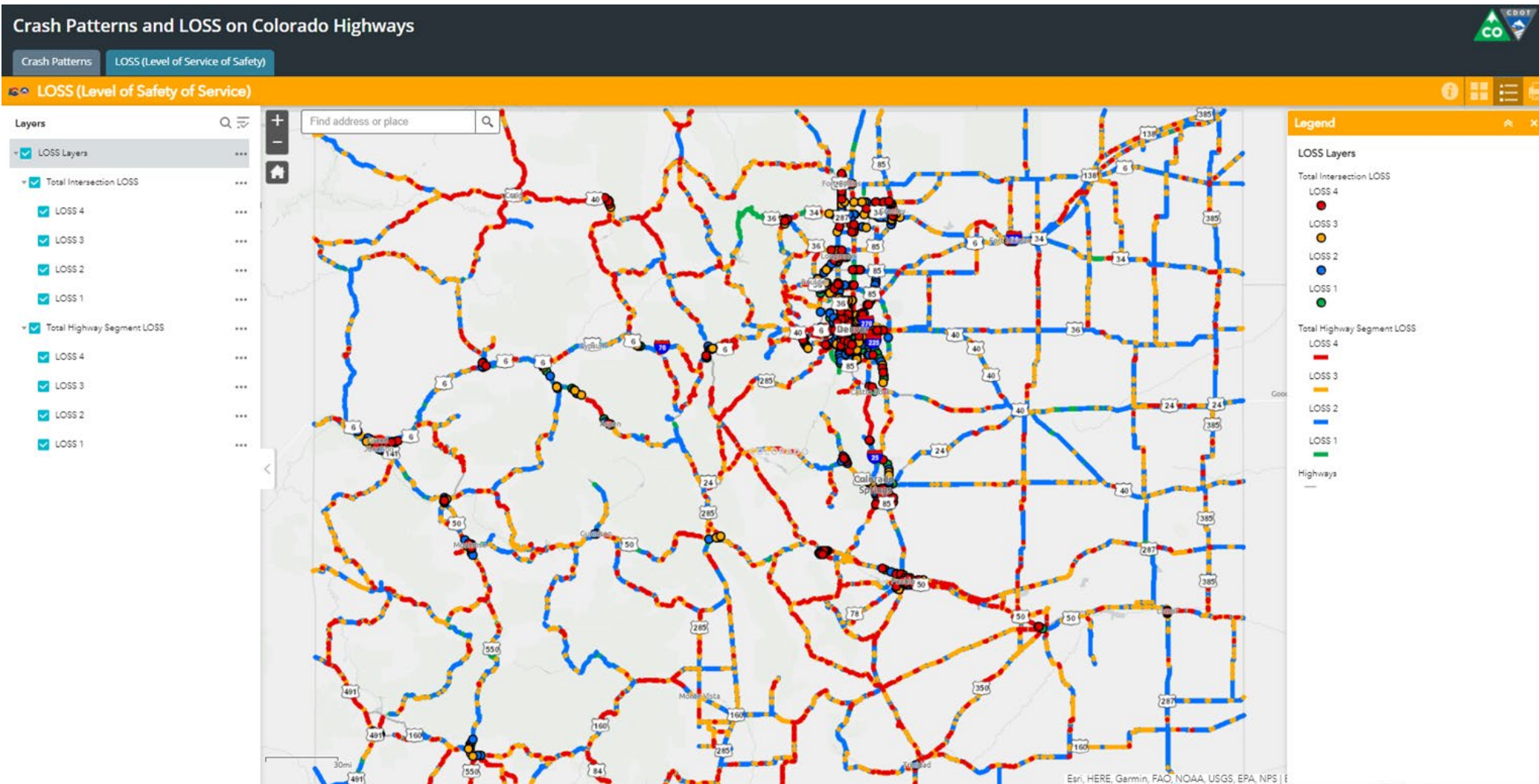


Safe Roads Fatality Trends





Safe Roads

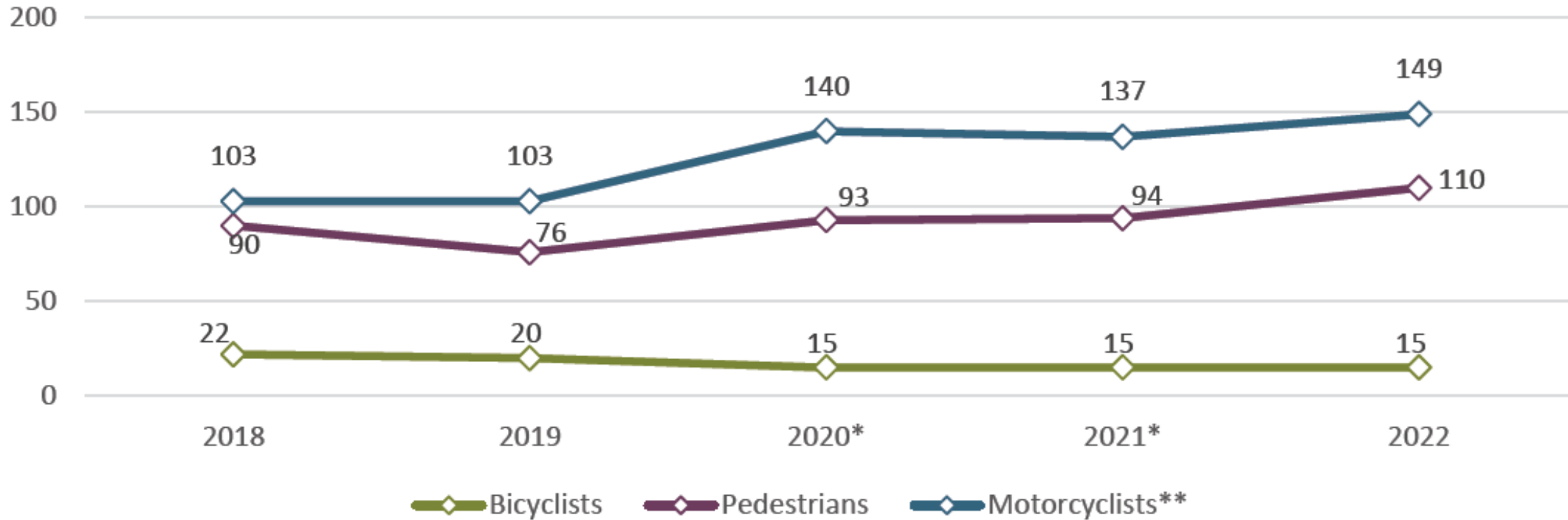




Safe People

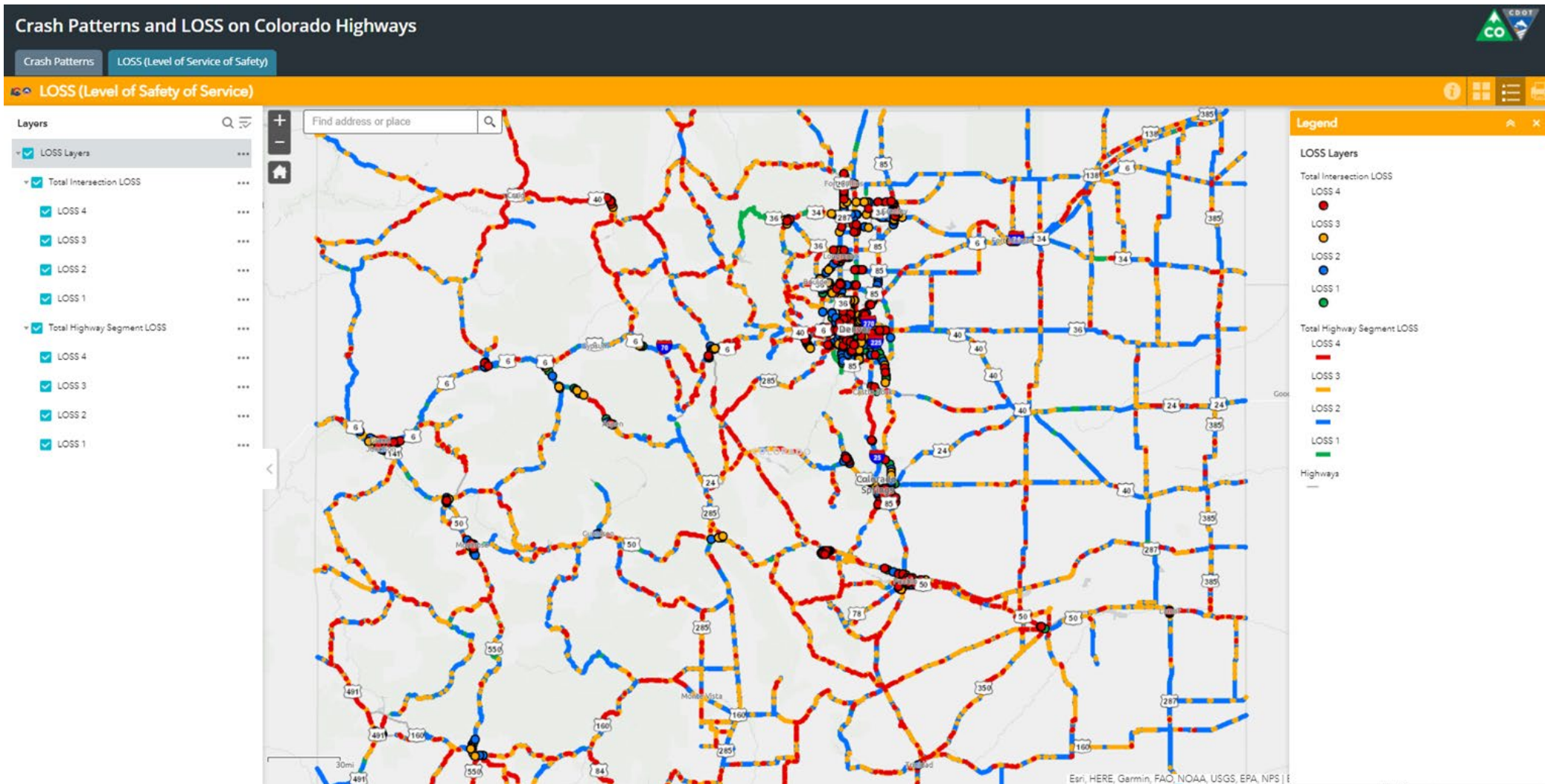


Safe People Fatality Trends





Safe People

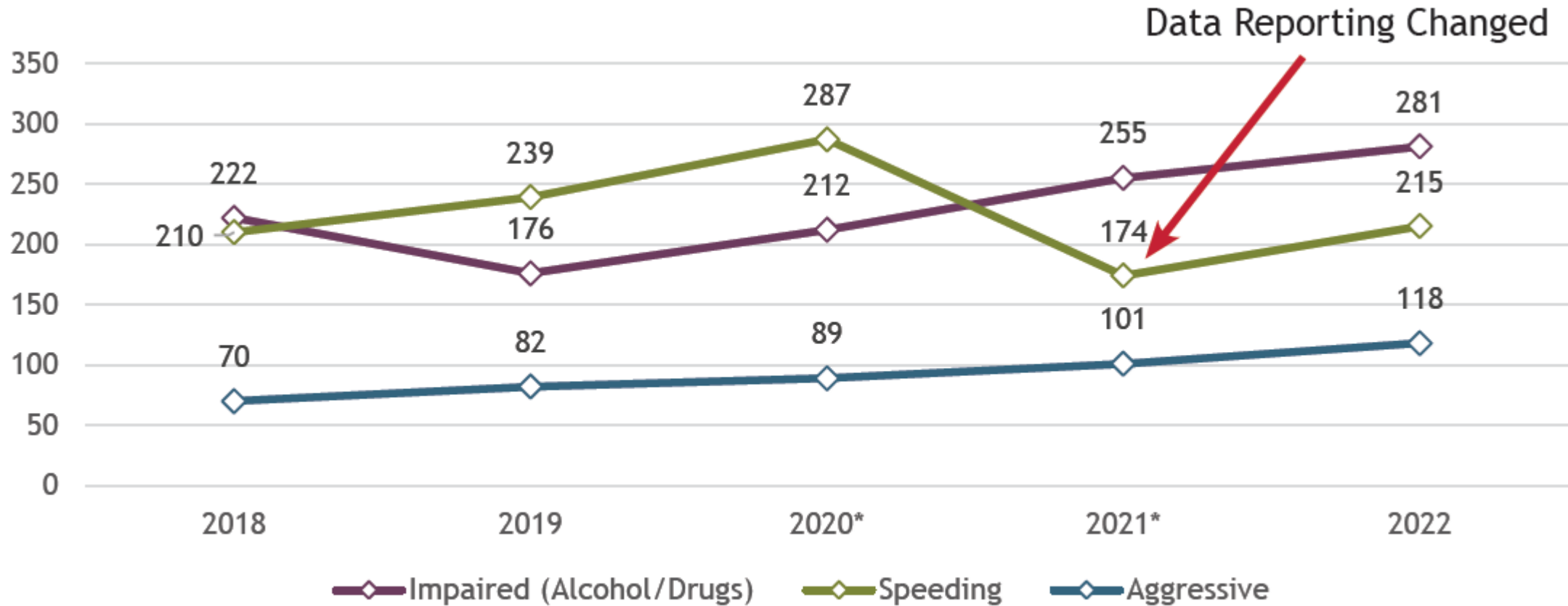




Safe Driving



Safe Driving Fatality Trends





What is the Highway Safety Office?

The Highway Safety Office is part of the Office of Transportation Safety
It is the mechanism by which the state receives federal funding from NHTSA

Purpose

Identify behavioral-based traffic safety challenges and work with partners/stakeholders statewide to address these challenges.

Activities

- Collaborates in the development of projects related to education, awareness, and enforcement of traffic safety countermeasures.
- Provides funding, oversight, and evaluation.



Highway Safety Office Funding Sources

Federal Funding '23

\$13 Million

National Highway Safety
Administration (NHTSA)

State Funding '23

\$1.5 Million

High Visibility
Enforcement (HVE)



HSO Funding supports:

Impaired Driving Enforcement/Education

17 Agencies
\$2.1 Million

High Visibility Enforcement

79 Law Enforcement Agencies
12 Annual Events
\$942,000

Police Traffic Services

12 Agencies
\$1.4 Million

Traffic Safety Public Campaign

Click It or Ticket
Drive High get a DUI
\$3.7 Million

Community-Based Traffic Safety Education

21 Grantees
\$3.1 Million

Bicycle & Pedestrian Education/Enforcement

5 Grantees
\$400,000

Click It or Ticket Enforcement Events

80 Law Enforcement Agencies
3 Annual Events
\$400,000

Traffic Crash Records

5 Projects
\$705,000



HSO Results FY 2021/2022

4,184

Click It or Ticket Citations

7,907

Speeding Citations

7,966

Impaired Driving Arrests

106,772

High Schoolers Engaged in
Younger Driver Training Program

50%

Statewide DUI Arrests from
HSO-Funded Enforcement



HSO New Programs/Initiatives

- Family, Career and Community Leaders of America National Summit Support
- Alliance Highway Safety Marketing for Statewide Events - Rural Population Outreach/DEI
- 2nd Annual Colorado Traffic Safety Summit - August 7-9, 2023
- Law Enforcement Education Events to foster Community Engagement and Support
- Uber, Lyft and National Road Safety Foundation Grants
- Drug Impaired Driving Roadside Cognitive Testing Research
- Lane Splitting/Lane Filtering Research



HSO State and National Representation Responsibility

- Governor's Highway Safety Association
- Statewide Emergency Trauma Advisory Council and Injury Prevention Working Group
- Colorado Task Force on Drunk and Impaired Driving
- Colorado Young Driver's Alliance
- Statewide Traffic Records Advisory Committee
- Denver and Boulder Vision Zero
- Motorcycle Operator Safety Advisory Board



Communications Office

Create mass media traffic safety awareness campaigns

Campaigns

- Impaired Driving (Alcohol)
- Impaired (Cannabis)
- Seat belts (Enforcement)
- Seat belts (Awareness)
- Speed
- Distracted Driving
- Motorcycle (drivers),
- Motorcycle (riders),
- Pedestrian Safety
- Teen Drivers
- Child Passenger Safety

\$3.7M
HSO Funding



Tactics

- Paid Media
- Earned Media
- Owned Media
- Leverage partnerships to increase visibility

Evidence-base

- NHTSA Countermeasures That Work (2020)
- Emerging research on behavior change
- Social Norming
 - ◆ Psychological Reactance
 - ◆ MSU Positive Culture Framework





Targeting Risks

Age/Gender

Young Males (21-34)

Ethnicity

Hispanics

Mode

**Motorcyclists
Teens
Cannabis Users**

Geography

**El Paso
Adams
Denver
Weld
Arapahoe
Jefferson**

Measurements

Lead

- Impressions
- Engagement
- News Stories

Lag

- Annual Driver Survey
- Pre/Post Campaign Survey
- Fatality Data



Paid Media





Safe Driving

Earned Media



CDOT study shows pickup truck drivers buckling up more | News | chaffeecountytimes.com



After Pueblo County ranks last in seat belt use, CDOT demonstrates need



CDOT Brings Pedestrian Safety Campaign to Life in Denver | CBS Colorado



Larimer County seat belt usage lags Colorado average



Owned Media



Key Components of VMS Messaging

Action Based

Concise

Catchy



Post Crash Care



Quick Facts

- **25%** of congestion caused by traffic incidents
 - ◆ Potentially **40-60%** in some urban areas
- **1 Minute** of lane blockage can cause **4 Minutes** traffic delay
- Incidents lasting more than **36 Minutes** are more likely to cause a secondary crash
- Up to **25%** crashes are secondary crashes due to queuing
- **18%** of Fatalities are due to Secondary crashes
- Since 2015, **5 CSP Troopers and 4 CDOT Workers** have been killed
- In 2022, CDOT and CSP reported **48** Struck-By incidents
 - ◆ Almost **2/3** of these incidents were during weather events





The National Traffic Incident Management (TIM) Program

- Created under the SHRP2 Initiative (2012)
- Promote consistent training of all responders
- TIM National Unified Goal Objectives:
 - Improve Responder Safety
 - Enhance Safe, Quick Clearance of Traffic Incidents
 - Prompt, Reliable, Interoperable Communications

Save Lives

- Deaths and Injuries
- Responders Struck
- Secondary Crashes
- Motorists, passengers, VRU

Save Time

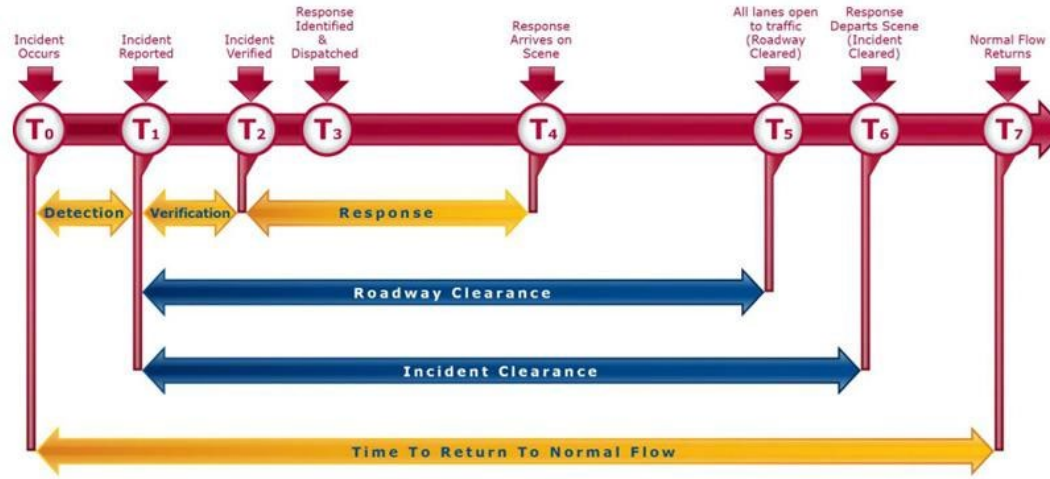
- Delays
- Travel Time Reliability
- Quality of Life

Save Money

- Congestion
- Lost Productivity
- Wasted Fuel
- Air Quality
- Freight & Commerce



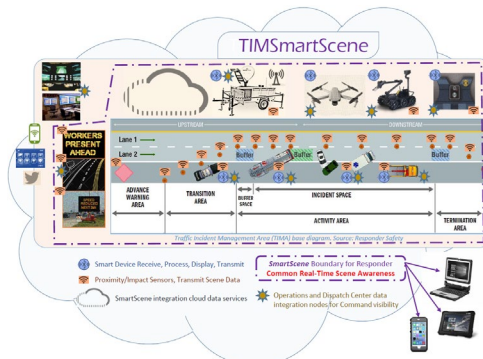
Post Crash Care



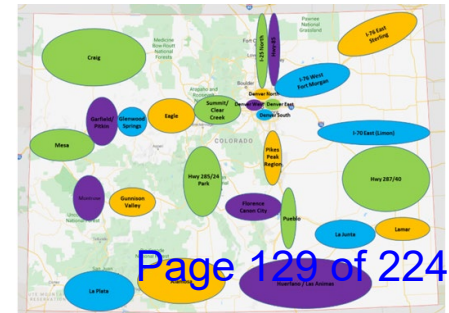
Align Post Crash Care with Current Programs



Leverage Technology



Support/Standardize Local Programs





Goals and Targets

Continue integration of TIM principles within all incident response operations

Improve Colorado's Traffic Incident Management (TIM) program delivery by developing TIM plans in jurisdictions with high rates of traffic-related serious injuries and fatalities by June 30, 2024.

Develop/prioritize statewide and local training to ensure personnel responding to incidents are doing it safely

Train 25% of personnel in all agencies within the next year

Emphasize effective multi-agency training at all levels

Transition Programs from Champion-based to Institutionalized culture





Q&A



COLORADO

Department of Transportation

Office of the Chief Engineer

2829 W. Howard Place
Denver, CO 80204-2305

MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: CHIEF EQUITY OFFICER, MARSHA NELSON
DATE: 3.1.2023
SUBJECT: SMALL BUSINESS AND DIVERSITY COMMITTEE: ENVIRONMENTAL JUSTICE AND EQUITY BRANCH 2022 ACCOMPLISHMENTS & 2023 GOALS

Purpose

To present the Colorado Transportation Commission (TC) with the Environmental Justice and Equity (EJE) Branch's 2022 key accomplishments and 2023 strategic goals. In an effort to achieve these strategic goals, additional resources are essential to the overall success for the agency. Outlined below, the EJE Branch outlines its business case for a preliminary request of four (4) Full-Time Equivalent (FTE) positions to accomplish the additional program development and required implementation responsibilities. At this time, it is projected that a secondary request for additional FTE positions will be forthcoming in the 2024 calendar year. Further detail regarding the specific positions are contained in the attached presentation.

Action

No action is requested at this time, the purpose of the materials is informational only. TC approval of the overall increase to CDOT's FTE cap related to the preliminary request of four (4) EJE Branch positions will be requested in April.

Background

Below is a summary of key drivers behind the EJE Branch's goals and preliminary staffing request:

Enhanced data collection and monitoring for compliance and federal reporting requirements

Two (2) software systems are utilized in Civil Rights to support federal and state compliance on project delivery for the highway program: B2GNow and LCPtracker. B2GNow monitors prompt payment to subcontractors and suppliers while LCPtracker ensures adherence to the *Davis-Bacon and Related Acts* (certified payroll for laborers and mechanics working on project sites) and the *On-The-Job Training (OJT)* program. Both systems assist CDOT in tracking and monitoring components of compliance for the above referenced programs, and also facilitate federal reporting. To support enhanced federal reporting, all highway Local Agency projects are required to be monitored in both systems. By doing so, this lowers CDOT's risk of noncompliance; however, this has also drastically increased the amount of projects monitored in the system (*see table below*). Current staffing levels have created delays for set up of projects in the system; adding wage decisions and customized union wages; as well as delays responding to internal and external customers. As a result, continuing down this path would potentially lead to challenges in noncompliance and most

notably, businesses not being paid promptly, including laborers and mechanics working on CDOT projects to not be paid accurately as well. The example below reflects the current increase in our systems:

- Number of certified payrolls in the LCPtracker system:
 - 2020: 28,939
 - 2021: 38,273
 - 2022: 49,002
- Estimated 210-230 Local Agency projects in the current fiscal year now added to the software systems

FTA State Management Review (SMR) Finding: DBE Program

During the most recent FTA State Management Review of CDOT, a deficiency was found with the US DOT requirements for DBE on FTA-funded contracts. During the review it was determined that insufficient documentation of monitoring DBE compliance of contractors. To correct the deficiency, CDOT must submit to the FTA Regional Civil Rights Officer (RCRO) documentation that it has updated the DBE program to reflect current monitoring procedures for contractors, along with evidence of implementation by July 17, 2023. It is critical that the monitoring procedures be developed and adhered to for compliance with federal requirements.

Environmental Justice Action Task Force (EJATF)

On July 2, 2021, Governor Polis signed the [Environmental Justice Act](#) (HB21-1266) into law. The Environmental Justice Act commits to strengthening environmental justice across all state agencies by prioritizing the reduction of environmental health disparities in disproportionately impacted communities.

The Environmental Justice Act (HB21-1266) creates the following roles:

- Environmental Justice Advisory Board
- Environmental Justice Action Task Force
- Environmental Justice Ombudsperson

The Environmental Justice Task Force solicited community feedback from across the state for nearly a year in which CDOT actively participated in. There were seven (7) full Task Force meetings including four (4) virtual meetings with the in-person components in Commerce City, Grand Junction, Greeley, and Pueblo; thirty-three (33) subcommittee meetings spanning seventy-seven (77) hours; over three-hundred (300) written public comments and survey responses; and hearings from dozens of community members in verbal public comments during focus groups, coffee chats, and cafecitos. The Environmental Justice Action Task Force had twenty-two (22) members from across Colorado. On Nov. 14, 2022, the EJATF submitted comprehensive recommendations about environmental justice to the legislature, governor, and CDPHE. CDOT has demonstrated through participation in the task force that it is a leader amongst state agencies. Subrecipients also look to CDOT as the state agency providing them state and federal funding to support their implementation of equity-based requirements such as Title VI and ADA requirements.

CDOT Demonstrated Commitment to Equity

As an agency, CDOT has demonstrated a commitment to equity through its WIGs and associated performance plan. There is now a need to develop an equity framework to drive an equitable culture and help institutionalize equity in agency processes, procedures and policies. This will require dedicated staff members focused on equity-related initiatives as a priority as opposed to being added on to existing job responsibilities.

Key Benefits of Approving EJE Branch's Request for Additional FTEs

Approval of the EJE Branch's preliminary request for four (4) new FTEs and approvals for the remaining secondary FTE positions in a future fiscal year will prepare the EJE Branch for the future by ensuring that adequate and proper staffing is in place to handle the increased amount of projects being set up in the Civil Rights software systems, ensure compliance with the FTA State Management Review for execution of the DBE program on FTA-funded contracts, and implementation of critical recommendations (and going beyond) from the EJATF to enhance environmental justice and equity initiatives.

With this support, CDOT will remain a national leader on environmental justice, equity, and civil rights compliance programs. These programs directly impact and are critical factors in the overall quality of life for Colorado residents and visitors.

Detriments to EJE Branch's FTEs Request Being Denied

Should the preliminary staffing request be denied, delays in project set up phase for the Civil Rights software systems as well as customer service response for system support will continue, risking noncompliance. Without accurate monitoring, reporting, and quality assurance of data in the software systems there may also be errors in federally required reporting. This will lead to larger compliance issues and place CDOT at risk during federal audits.

While the EJE Branch is currently developing a FTA DBE Program Manual, it is critical that staffing be added to embed the processes outlined in the manual into contract requirements and/or contract specifications for FTA-funded contracts. This also includes having adequate staffing to oversee and monitor the compliance of the DBE program to ensure adherence and compliance with the FTA SMR finding. If staffing is not provided for this effort specifically, CDOT is at risk of not complying with the FTA SMR deficiency finding which will place FTA funding at risk.

It is also critical that with the development of the Environmental Justice and Equity Branch, that FTEs be provided to focus efforts on equity-related initiatives for the agency. This includes supporting region personnel in Environmental Justice initiatives spurred from the EJATF. This will allow staff to develop and enhance existing and new relationships with the community at-large and ensure disproportionately impacted communities are more meaningfully and intentionally involved in transportation decisions made by the agency in support and alignment with Senate Bill 260.

Next Steps

EJE Branch will work with CDOT senior executive team to determine the appropriate timeline for submitting the preliminary request of four (4) FTE positions referenced above and the secondary requests of the remaining FTEs before the commission for consideration.

Attachments

Presentation - Title: *Environmental Justice and Equity Branch 2022 Accomplishments & 2023 Goals*
Small Business and Diversity Committee Meeting Minutes - July 2022



COLORADO

Department of Transportation

Environmental Justice & Equity Branch 2022 Accomplishments & 2023 Goals

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March 23, 2023

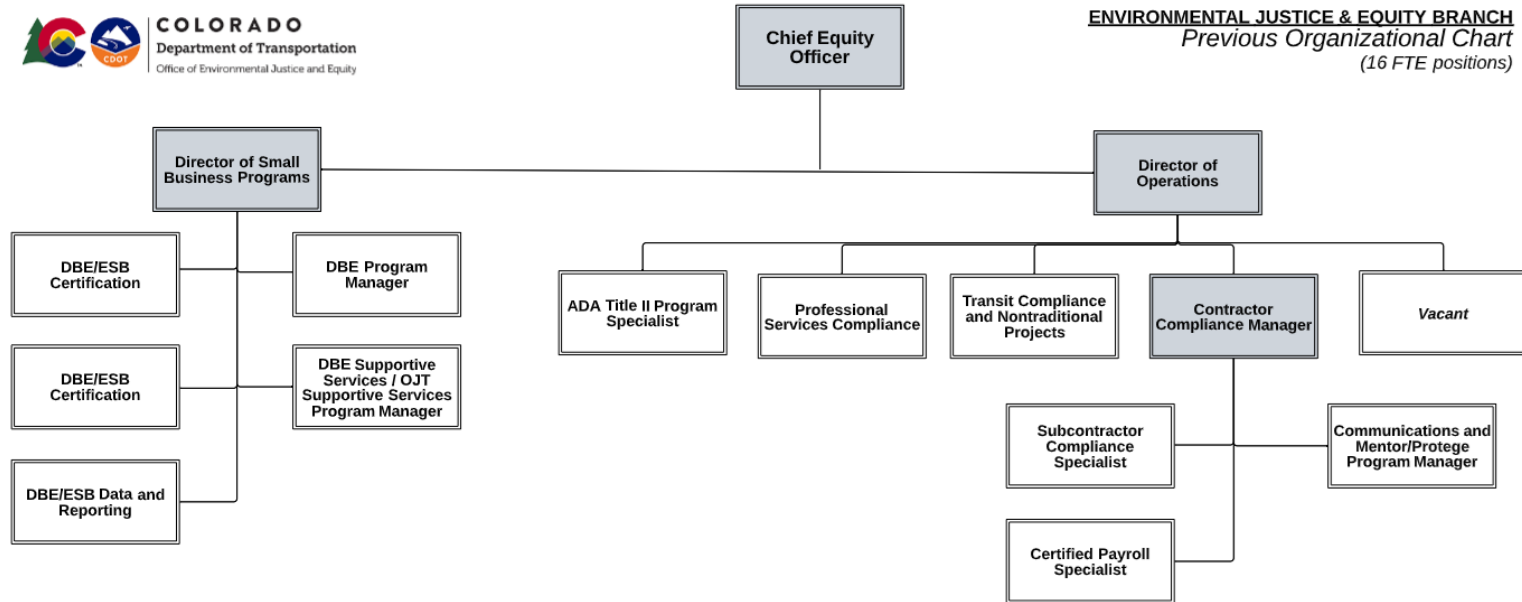


Phase I: Previous Organizational Chart



COLORADO
Department of Transportation
Office of Environmental Justice and Equity

ENVIRONMENTAL JUSTICE & EQUITY BRANCH
Previous Organizational Chart
(16 FTE positions)





2022 EJE Branch Accomplishments

Environmental Justice and Equity



EQUITY360

- Agency model to establish a holistic approach toward integrating EDI lens into policies, process and procedures.



Title VI Program

- Innovative multi-year approach w/ equity-focused initiatives to improve meaningful and intentional outreach and engagement for all by prioritizing DI communities and LEP populations.



Environmental Justice (Environmental Justice Action Task Force)

- Participation on EJATF
- Support development of CDPHE environmental complaint process
- Garnered support from regional environmental managers to adopt EJ Analysis process for all categorical exclusion (CatEx) projects. This will be included in the updated NEPA manual
- Created NEPA Environmental Justice working group to comment on EJATF recommendations, approve the EJ analysis process and advise on future EJ topics.



ADA Transition Plan

- Updated the CDOT ADA Transition Plan to include enhanced data collection and dashboard systems as well as updated practices in project delivery



2022 EJE Branch Accomplishments

Environmental Justice and Equity



Transit DBE Program

- Updated to allow for evaluating specific contracting opportunities for goal-setting on FTA-funded transit contracts.
- Began development of FTA DBE Program Manual
- FTA State Management Review (SMR) finding: Insufficient documentation of monitoring DBE compliance of contractors



Small Business Programs

- Assessing and restructuring the Emerging Small Business (ESB) Mentor Protege program.
- Hosting listening sessions for internal & external stakeholders to evaluate existing program & make enhancements.
- Developing approach to increase program awareness/ participation w/in CDOT region offices & specialty staff



Enhanced Contractor Compliance Programs

- Began requiring Local Agency highway projects (professional services and construction) be entered into software systems to better monitor DBE utilization, prompt payment, On-The-Job Training and certified payroll. Increases accuracy of federally mandated reporting.
- Initiated use of compliance systems on select FTA-funded projects as a pilot program



Workforce Development

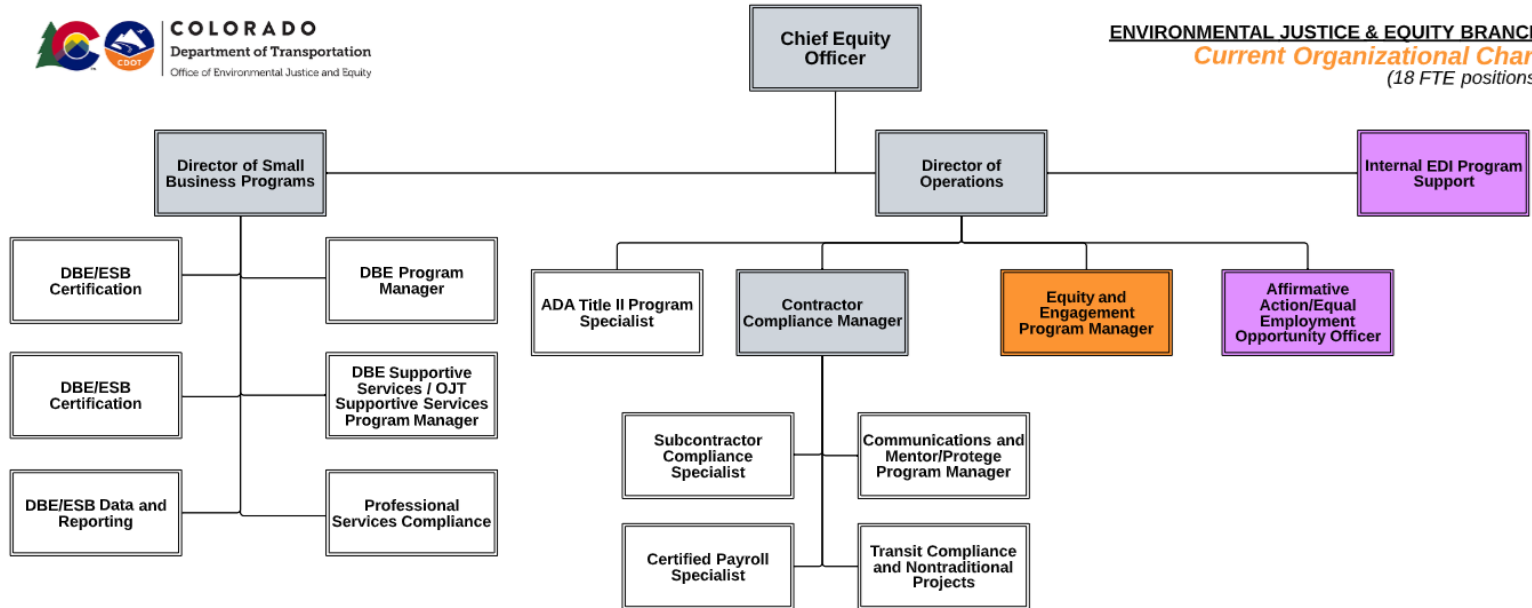
- Collaboration with OIM for ZEV workforce development grants
- Collaboration with Traffic Engineering for flagger recruitment and retention research
- Slated to award \$170k to CCA for their Civil Construction Academy
- Proposed on OEDIT's Opportunity Now grant for a CDL apprenticeship pilot program
- Initiated a solicitation for a statewide workforce needs assessment
- Initiated discussions with CDOC about paying for inmates to get their CDLs
- Collaborating w/ACEC-CO, CDLE, CDHS, Emily Griffith, & APWA to build talent pipeline of New Americans w/engineering backgrounds



Phase II: Current Organizational Chart



ENVIRONMENTAL JUSTICE & EQUITY BRANCH Current Organizational Chart (18 FTE positions)



2023 EJE Branch Goals

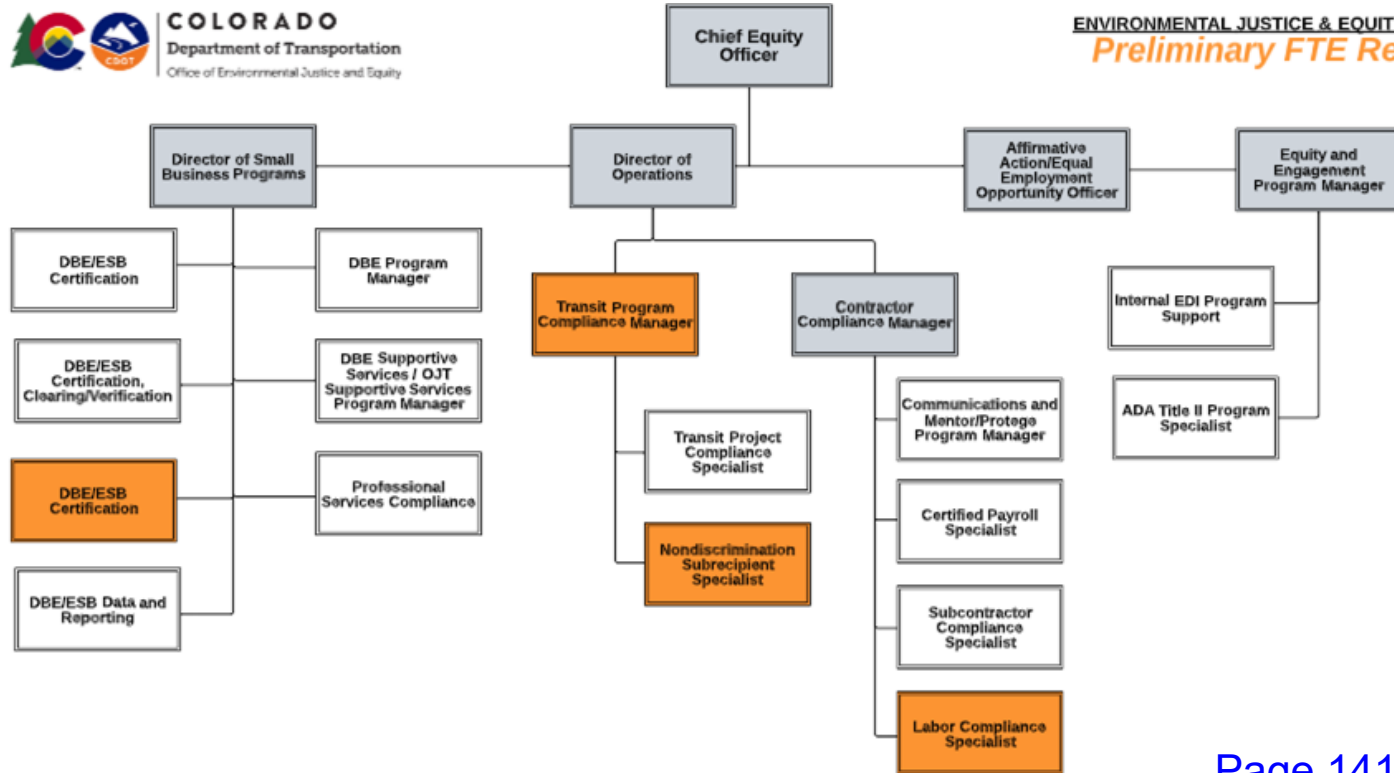
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Staffing Implementation & Adjustments	Onboarding of Equity and Engagement Program Manager & AA/EEO Officer		X	X									
	Adjust to transition of internal EDI and AA/EEO position		X	X									
Equity	Develop strategic focus areas to support EQUITY360			X	X	X	X						
	Review and enhance existing internal programs/initiatives to align w/external programs/initiatives.			X	X	X	X	X	X	X	X	X	X
	Provide guidance on existing equity goals (GHG, Electric Vehicles, Safety, etc.)			X	X	X	X						
Environmental Justice	Updating NEPA manual to incorporate the EJATF best practices	X	X	X	X								
	Add EJ to NEPA Form			X	X								
	Regional training across the state on EJ analysis process				X	X	X	X	X	X			
	Upload EJ flowchart to website						X	X					
AA/EEO	Review & enhancement of State Internal Affirmative Action/Equal Employment Opportunity (AA/EEO) programs & plans			X	X	X	X	X	X	X	X	X	X
Title VI	Implementation of restructured CDOT Title VI implementation plan with Communications Program Area Review	X	X	X	X	X	X	X	X	X			
	Develop Title VI Goals Report for Planning Program Area Review									X	X	X	X
	Enhanced support for FHWA & FTA subrecipients in Title VI program creation & implementation					X	X	X	X	X	X	X	X
Contractor Compliance	Development of specifications & program manuals for Civil Rights compliance components on FTA-funded projects (DBE, prompt payment, certified payroll, federally-required DBE & labor reports, etc.)	X	X	X	X	X	X	X	X	X	X	X	X
	Completion of required (and newly required) federal labor & trainee reporting	X	X	X							X	X	X
	Development of certified payroll processes & reviews for procurement contracts				X	X	X	X					
Small Business Programs	Development of Transit-specific disadvantaged business enterprise program manual to maximize small business opportunities on FTA-funded projects	X	X	X	X	X	X	X					
	Implement updated Emerging Small Business Mentor Protege Program							X	X	X	X	X	X
Workforce Development	Initiated a solicitation for a statewide workforce needs assessment (RFP)			X	X	X	X	X	X	X	X	X	X
	Collaboration with OIM for ZEV workforce development grants	X	X	X	X	X	X	X	X	X	X	X	X
	Collaboration with Traffic Engineering for flagger recruitment and retention research			X	X	X	X	X	X	X			



Phase III: Preliminary FTE Request



ENVIRONMENTAL JUSTICE & EQUITY BRANCH *Preliminary FTE Request*





Preliminary FTE Request (4 FTE) Civil Rights Compliance

Small Business Certification (1 FTE)

- Intake and processing DBE and ESB files

Labor Compliance Specialist (CDOT & Local Agency projects) (1 FTE)

- Federal labor reports
 - Newly required OJT federal reporting
 - FHWA form 1391/1392 annual labor reports
- Development of OJT trainee tracking processes and procedures for graduation and attainment hours using LCPtracker
- Davis-Bacon oversight on procurement contracts (Senate Bill 19-196)
- Project set-up in LCPtracker
- Verifying wage decisions for all projects (CDOT and Local Agency)
- Incorporation of new wages (buildings and civil for horizontal, etc.) into wage tables
- Input Standard Form 1444 wages and trainee wages into LCPtracker

Transit Program Manager (1 FTE)

- Development of Civil Rights project compliance specifications and manuals
 - DBE, prompt payment, certified payroll
- Support subrecipients in understanding and ensuring compliance for Civil Rights project and program compliance components
- Collaborate with highway program managers to learn existing processes and make customizations for transit project and program delivery

Nondiscrimination Subrecipient Specialist (1 FTE)

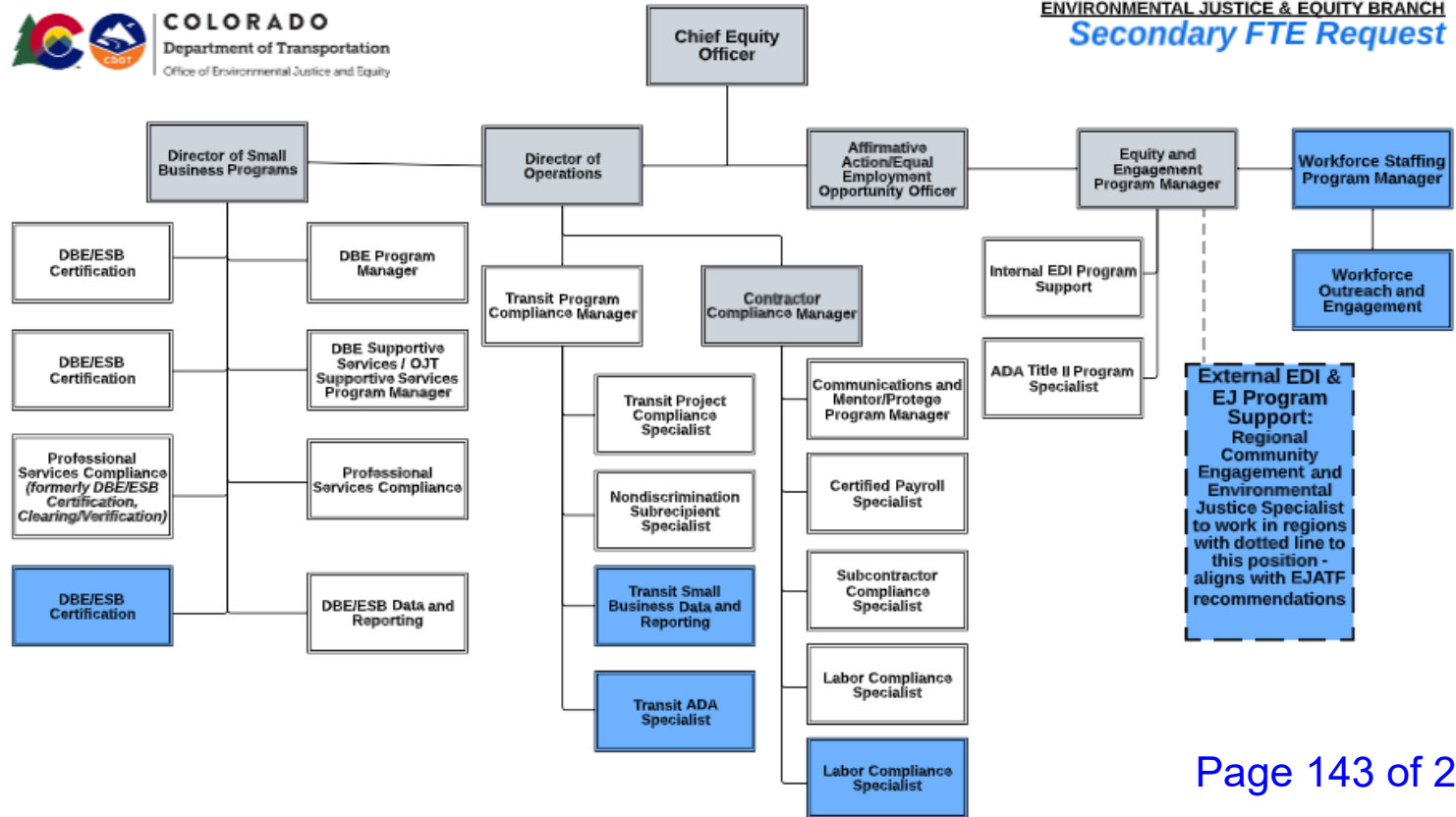
- Develop risk-based subrecipient Title VI program review procedures
- Review Title VI plans for FHWA and FTA subrecipients to ensure eligibility to receive federal funding
- Support subrecipients in Title VI program implementation



Phase IV: Secondary FTE Request



ENVIRONMENTAL JUSTICE & EQUITY BRANCH Secondary FTE Request





COLORADO
Department of Transportation

Thank you

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March 23, 2023

Small Business and Diversity Committee Meeting Minutes - July 20, 2022

Meeting called to order by meeting chair Commissioner Vasquez

Members present:

Chair- Commissioner Vasquez
Commissioner Adams
Commissioner Beedy
Commissioner Garcia
Commissioner Hickey
Commissioner Holguin
Steve Harleson - CDOT Chief Engineer
Marsha Nelson - CDOT Chief Equity Officer
Anna Mariotti - Civil Rights & Business Resource Center
Jun Arcilla - Civil Rights & Business Resource Center
Marie Nakagawa - Civil Rights & Business Resource Center
Chessie Price - Civil Rights & Business Resource Center
Amber Blake - Division of Transit & Rail
Jeff Sudmeier - CDOT Chief Financial Officer

Topic: Triennial FTA Statewide DBE Goal Methodology

Presenter: Jun Arcilla

Overview: Explaining the process for setting the triennial FTA statewide DBE goal and next steps for adopting the methodology.

- Overview of DBE program
- Overview of setting Triennial FTA DBE goal
 - FFY23-25 set at 2.44% with public comment period ending 7.21.22
 - Outlined the differences between FTA & FHWA funds and how those differences are seen in the triennial DBE goals
- Questions
 - Commissioner Holguin: How did we do against the 2.5% goal?
 - Jun: You will be able to see a table outlining our past participation in the actual methodology. Due to the pandemic, 2021 and 2022 were a bit unusual. Contracting opportunities went down.
 - Commissioner Holguin: If we look at the number of DBEs for the entire state, I'm concerned. I recognize that this is a catch-22. DBEs don't necessarily see the benefit of certifying but without certifications we can't update our goal. Is CDOT working with anyone to help more businesses become certified?
 - Marsha: That's a great question. We are working on this. I'll discuss later in the presentation, but I am working on creating equity toolkits statewide,

particularly through Local Agencies, that help firms understand the importance of getting certified. We can also partner with other organizations, absolutely.

- Jun: We also use Connect2DOT, in partnership with PTAC and SBDC, to provide supportive services like business development courses and advising.
- MPOs, businesses, etc. are looking to CDOT to see how to navigate this process. Equity is not only helping CDOT, but it helps all stakeholders. It's a community approach.
- Commissioner Adams: Thank you for putting all of this together, but I am underwhelmed. I have people who come to me with a genuine interest, who have bigger skill sets, and we can't find ways to engage people like that. This sounds like a compliance conversation so we can get by on the minimum hurdle. This isn't reflective of what is in my heart of what I hear in the community. I had these issues with the first presentation I heard about this (FHWA). I've watched us get engaged on other things that we consider important. I wish we would put the same amount of energy & effort, which I consider important, into this.
 - Jun: Thank you so much, Commissioner Adams. A lot of projects are pulled from what FTA has contracted in the past. We realized that there is a gap here because many firms work in the highway industry, and many of FTA contracting opportunities are not in that area. One thing I want to point out that is unique is that when it comes to FTA funding, a lot of work opportunities are awarded via competitive grants, which subrecipients must apply for and get awarded to them. These competitive grants were not considered in this methodology since they are contingent on the subrecipient applying and receiving those grants. One thing we are proposing is evaluating contracts using these competitive grants for potential DBE contract goals since they were not included in the methodology. One thing we are proposing is setting DBE contract goals individually on these contracts to present more substantial opportunities to DBEs that what is outlined in this methodology.
- Jeff: CDOT FTA funds received are about \$40 million dollars per year, most of which are not directly administered by CDOT. So, whatever target you set here, it's more about local agencies complying than CDOT.
 - Jun: Yes. Also, certain FTA expenditures are excluded. Such as buying buses.
 - Amber: I also want to touch on expenditures that are not eligible DBE opportunities, such as printing services & signage. I'm excited that we can start to look at DBE goals for grant opportunities. We don't know that

- funding now, so we can't include it in our methodology at this point but will be looking at them.
- Commissioner Bracke: Is there room to allow for a range? This is the minimum, but we can aim to go above this.
 - Jun: That's a great question. Once the goal is achieved, we don't want DBE participation to stop. We have a lot of efforts, such as Connect2DOT mentioned earlier, to help DBEs learn how to work with us and work with our subrecipients. There are a lot of avenues to pursue DBE work outside of this goal. Also, this goal is not static. Certain circumstances can change and we do have the ability to work with our federal partners to adjust after it is set. FTA is a race conscious program, which is something we have to consider as well.
 - Commissioner Bracke: That's understandable. Is there a way to incentivize firms working on projects?
 - Jun: Often times people associate the DBE program with contract goals. FTA program is currently race neutral which means we don't set DBE goals on FTA contracts. We are open to discussing incentives.
 - Anna: We'll get into the ESB program in a little bit. We, as a state agency, have much more room to utilize that program, but it requires time and resources. We have the rules and framework in place, but need resources.
 - Masha: Commissioner Adams, I hear you 100%. I think higher goals are great, but it's also an issue of ensuring capacity and availability is there. I don't want to put a goal on a project that is so high it is unsuccessful. That's why it's important to work with CDOT staff and local agencies on how to build other small business programs and build the pool for all of us.

Topic: Sustainable Equity Beyond Compliance

Presenters: Marsha Nelson & Anna Mariotti

Subtopics:

Understanding Civil Rights Compliance - Anna Mariotti

- Current structure includes project delivery compliance and external programs
- Compliance changes, it evolves, as laws change. For example, SB 19-196 now requires certified payroll on all CDOT projects, regardless of funding type.
 - When you look at this as "check the box", these boxes are constantly moving.
 - We have opportunities to grow, but these opportunities require bandwidth and staff.

Moving Beyond Compliance - Marsha Nelson

- If all you are doing is meeting compliance, then you haven't even addressed equity. That is what I hope this branch is able to do, go beyond compliance. Thank you to Director Lew and the commission. By creating this branch and this position, what you have done is plant a seed. It's the start of going beyond compliance.
- I represent CDOT on the Environment Justice (EJ) Task Force. There are many recommendations on how organizations work on EJ. I am learning the process and how it is directly tied to our community. It's essential that we define equity as an agency.
- Create the foundation
 - How do we define transportation equity for our agency & how do we apply it to all areas, it is not a vacuum.
 - We need leadership support at every level. I feel lucky to have leadership that supports this.
- Build a strong base
 - Create equity PD for guidance & direction
 - We have five different regions in the state. I want to empower and support our staff to do as you please for your communities, but we will supply them with equity toolkits, training, etc. as it relates specifically to transportation.
- Opportunity to Branch Out
 - Building & supporting internal & external stakeholders
 - Including region program support
 - This is exciting and has me very hopeful
 - Areas of improvement include communication with residents & businesses about how to work with us. How can we build resources to enhance our pool.
- Sustainable Equity Ecosystem
 - This is the goal
 - Compliance feeds this ecosystem because equity & compliance work together.
- There are so many areas where we are already doing work and I see this growing.
- Civil Rights compliance is 1/3 of this branch. You can see areas where we can build our ESB program. It has been built but how do we improve it?
- I'm hoping to build programs for workforce development that grows our pool of applicants. From youth through young adults.

Questions/Comments

- Commissioner Holguin: Thank you for all of this. I explicitly asked about FTEs for this branch, and I worry that with one individual there is no way that all of this can be done, particularly on a regional level. Is there a plan for increased staffing and what does that timeline look like?

- Marsha: I focused a lot on the different programs and am happy to have conversations with our executive teams. What do we want to identify as priority programs?
- Jeff: We did not identify new positions here with the previous FTE request because we didn't have a Chief Equity Officer yet. We needed time to identify what that need is. Is that part of what you are doing right now?
- Commissioner Holguin: Next steps, Marsha, are to think through what staffing looks like. We will fail if we don't have a strong internal structure. We have to make sure we have the right staffing size. There is an internal and external component. Without being intentional it isn't going to happen. If we can provide support to reconnect with our communities, that is the beauty of this office.
- Commissioner Adams: Maybe there are more resources. This can't be a resident group within CDOT. It has to be something that permeates all of CDOT and I totally agree. You can count on my complete support of what you just laid out.
- Steve: Jumping off of what Commissioner Adams just said. We don't want to build an EDI bureaucracy, we want equity to permeate the agency.
- Commissioner Beedy: We as an agency need to make sure we are streamlining things so small businesses can meet new and changing requirements.

Meeting adjourned



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
AMANDA SILK, DIRECTOR OF ACCOUNTING
DATE: MARCH 15, 2023
SUBJECT: FY 2021-22 CDOT ANNUAL FINANCIAL AUDIT RESULTS

Purpose

To present the annual financial audit results for State Fiscal Year 2022.

Action

No action is requested. Informational only.

Background

On an annual basis, the Office of the State Auditor (OSA) engages an outside audit firm to conduct a financial and compliance audit of CDOT, which is incorporated into the Statewide Single Audit for the State of Colorado. For Fiscal Year 2021-22, OSA contracted with FORVIS, LLP (FORVIS) to complete the annual audit. The purpose and the scope of the Fiscal Year 2021-22 audit were to express opinions on the financial statements of CDOT as of and for the years ended June 30, 2022 and 2021, including consideration of internal control over financial reporting as required by auditing standards. The complete Statewide Single Audit can be accessed at:

https://leg.colorado.gov/sites/default/files/documents/audits/2201f_statewide_single_audit_report_fy22.pdf

Details

The annual financial audit includes three distinct components- a financial audit, an audit of Information Technology (IT) systems and controls, and a single audit of a selected federal program. The FY 2021-22 annual financial audit included a total of four main findings, three of which are considered material weaknesses and one of which is considered a significant deficiency. These findings and associated recommendations are outlined below. The Department agreed with the recommendations, and has initiated development of corrective action plans to address.

Accounting Controls (Material Weakness)

The Department lacked adequate financial accounting controls for FY 2022, as follows:

- The Department improperly recognized an accounts receivable and related revenue totaling approximately \$104 million.
- The Department had approximately \$1.4 million of accounts receivables at fiscal year end that had been outstanding and not collected by the Department for as much as 3 years.
- The Department overreported its accounts payable accrual by approximately \$3.3 million.
- The Department incorrectly reported approximately \$20 million in expenditures under the wrong federal program's Assistance Listing Number on its Exhibit K1.

Recommendations for the accounting controls finding include:



- Strengthening its policies and procedures related to revenues and accounts receivables. This should include implementing policies and procedures, including required supervisory reviews, related to revenue recognition processes to ensure that appropriate revenue recognition criteria are met before booking revenue and the related accounts receivable, and requiring periodic reviews of the aging of accounts receivables to improve their collectability.
- Strengthening its policies and procedures related to accounts payable. This should include establishing a requirement that Department staff compare fiscal year end accounts payable estimates to amounts paid to the Department after fiscal year end and through a time period that is reasonably close to when the State's audited financial statements are available to be issued, in order to ensure that actual results are reasonable and any necessary adjustments are made timely.
- Implementing a detailed process to fully evaluate the required implementation of any new accounting standards and to provide the results of the analysis to the Office of the State Controller timely.
- Implementing a detailed review process over information reported to the Office of the State Controller and auditors, to ensure exhibits are accurate, complete, and submitted by the deadline and that supporting documentation provided to the auditors agree to the information recorded in the Department's accounting system.

Internal Controls Over Information Technology Systems (Significant Deficiency)

- Neither the Department nor OIT placed a priority on ensuring access management policy requirements were complied with for SAP.
- OIT staff failed to maintain certain system configurations, as well as made inaccurate assumptions regarding those same system configurations.
- Department managers were not diligent in requiring that staff they directly oversee be compliant with required IT training.

Recommendations for Information Technology findings are confidential.

Federal Award Finding - Cash Management (Material Weakness)

The Department did not comply with the approved federal cash management draw patterns for the Highway Planning and Construction program for 8 of the 25 draws (32 percent) tested.

Recommendations for the cash management finding include:

- Ensuring that Department personnel responsible for preparing and reviewing the cash draw requests are adequately informed of the draw pattern applicable for the current fiscal year, including any federally-approved changes that occur during the year.
- Establishing procedures that specify draw request dates in relation to Program expenditures that ensure required draw patterns are met.

Federal Award Finding - Subrecipient Monitoring (Material Weakness)

The Department did not perform a federally-required risk assessment for the Highway Planning and Construction program for 6 of the 25 subrecipients tested.

Recommendations for the subrecipient monitoring finding include:

- The Department of Transportation should strengthen internal controls over and ensure that it complies with federal subrecipient monitoring requirements for the Highway Planning and Construction program by:
 - Updating its current subrecipient monitoring and risk assessment policy to clarify the frequency in which a risk assessment is required to be completed or updated, as



applicable for contracts that span multiple fiscal years, as well as direction regarding when it is acceptable to forego performing a risk assessment and updating the policy to address the nature in which subrecipient programmatic and financial reports are reviewed.

- Providing training to staff responsible for subrecipient monitoring activities related to the policies updated in part A. of the finding.

Next Steps

The Department has identified implementation dates for each of the recommendations between March and November 2023. Corrective Action plans are being developed for each of the audit recommendations. The Center for Accounting will lead implementation for several recommendations and coordinate and monitor other recommendations implemented by other groups.



**Colorado Transportation Commission
Audit Review Committee Agenda
Wednesday, March 15, 2023**

**Eula Adams, Chair
District 3**

**Karen Stuart
District 4**

**Terry Hart
District 10**

All commissioners are invited to attend this Committee meeting

1.	Call to Order	Verbal
2.	Motion to Approve June 15, 2022 Minutes	p. 1
3.	Motion Regarding Release of OnBase Audit Report	Verbal
4.	SAP Security Design and Model Review	Verbal
5.	Cyber and Financial Security	Verbal
6.	Audit Division Plan	Verbal
7.	FY 2023 Interim Audit Division Results	Verbal
8.	Outstanding Recommendations Update	Verbal

THE AGENDA MAY BE ALTERED AT THE CHAIR'S DISCRETION

Transportation Commission (TC) Meeting Minutes

Workshops and Regular Meeting

Wednesday, February 15-16, 2023

<https://www.youtube.com/watch?v=ZSkrYyN1Q90>

TRANSPORTATION COMMISSION WORKSHOPS

Wednesday, February 15, 2023

Call to Order, Roll Call – Timestamp 00:00:00

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

Budget Workshop (Jeff Sudmeier and Bethany Nicholas) Timestamp 00:00:28

- Final FY2023-24 Budget Allocation Plan for Comment with Adoption scheduled for March 2023
- Supplemental Emergency Funding for US34 Brush Canal Failure (25277).
- Supplemental Emergency Funding for US550/US160 Region 5.
- P.D. 703.0, Annual Budget, Project Budgeting and Cash Management Principles

Purpose and Action:

- To review the draft FY 2023-24 Final Annual Budget Allocation Plan, set for adoption in March 2023.
- Requests for Contingency or Program Reserves:
 - \$2,225,000 – Contingency Reserve – US 160 /550 Connection
 - \$1,200,00 – Contingency Reserve – US 34 Brush Lateral Canal Repair
- To approve the update of Policy Directive 703.0

Discussion

- Q: Is there any concern for emergency repair costs or contingencies due to a large amount of snow and ice this year? A: We have drawn \$1.8M of the \$10M yearly snow and ice contingency. Another \$5.5M has been requested for this year. It is likely CDOT will max out the snow and ice contingency for this year, and may dip into the fire reserve fund as well.
- Contingencies and reserves can be increased if needed.
- CDOT is spending more on avalanche control this year but only slightly more than usual.
- Contingency funds are listed in the budget for the TC's reference.
- Pertaining to the Office of Innovative Mobility (OIM) The enterprise funds are separate from these programs. If OIM applies to the enterprises to fund a specific project, these funds could potentially be used as a match.
- If OIM decides to change their project plan drastically, they will come to the TC for approval.
- The TC will be made aware of any future funds becoming available whether through the 10-Year Plan or other funding sources.

Poor Pavement Workshop (William Johnson) Timestamp 01:07:00

Purpose and Action:

- To provide an overview of a proposed initiative to improve Colorado's Interstate pavement condition as measured by National Performance Measures (NPMs) and to discuss this strategic initiative to improve pavement condition.

Discussion

- It was explained that the I-70 and Colfax interchange will be modified slightly by the Piccadilly interchange project.

CDOT's ITS Fiber Program (Bob Fifer and Allie Axley) [Timestamp 01:29:35](#)

Purpose and Action:

- To provide background information on CDOT's ITS Fiber Program, how fiber fits within the ITS Branch, how the fiber asset has evolved, how we partner and share fiber assets and ROW access, and what efforts we are currently working on to improve our processes. No action at this time, this workshop is Informational only.

Discussion

- Next month there will be a representative from the Colorado Broadband Office at this meeting.
- A Commissioner asked about how do you alert other entities about your planning process so that you may work together? The response was that the biggest challenge is different organizations coming together and coordinating the timing of projects.
- It was noted that the useful life of fiberoptic is about 20 years, but if it lasts longer, it will not be replaced until needed.
- It was observed by a Commissioner that a committee focused on this problem of lack of broadband access in rural areas, as well as how CDOT can help fill gaps might be helpful.

Safety and Mobility Improvements Projects (Heather Paddock and Keith Sheaffer) [Timestamp 02:59:00](#)

Purpose and Action:

- The purpose of this workshop is to outline the staff recommendation to deliver the CO 119 Safety and Mobility Improvements Project (Project) utilizing Construction Manager/General Contractor (CM/GC) as the preferred Alternative Delivery Method. CDOT R4 is requesting TC to adopt a resolution that supports staff's recommended delivery method for the project.

Discussion

- A Commissioner asked about what happens if the funding pursuits are not successful, asked to know what are the alternative options to obtain funding. The response was that some aspects of the project might have to be pushed back, but there will be no issue in securing funding to keep the project moving.

OIM Committee Meeting - Electrification and Energy Project Updates (Kay Kelly and Mike King) [Timestamp 03:18:13](#)

The Electrification and Energy Program within OIM works with partners across the public and private sectors to facilitate the expansion of both electric vehicles and infrastructure across Colorado. It supports projects in the following five categories:

- Charging Infrastructure Projects – Address gaps in statewide charging network through on-going support of EV byways and tourism program and CDOT EV charging investments
- Education and Outreach Projects – Support public education, engagement, outreach and marketing for adoption of EVs statewide in partnership with other state agencies and stakeholders

- Medium- and Heavy-Duty (M/HD) Electrification Projects – Support CDOT fleet electrification and support other planning studies to achieve M/HD electrification goals in alignment with strategies outlined in the Colorado Clean Truck Strategy.
- Transit Electrification Projects – Support transit fleet electrification planning, training, workshops and technical assistance.
- Workforce Development Projects – Support the development of training programs for EV workforce, including internal CDOT training.

Discussion

- All current EV maps currently do not include Tesla chargers. If Tesla changes their chargers to meet the needs of all EVs, and changes both their software and hardware to meet standards, they will be included in CDOT’s map.
- There is a reliability requirement in CDOT grant programs for charging stations. Grantees must agree to make sure each individual plug is functional at least 97% of the time. Unfortunately CDOT does not have the ability to enforce this. OIM is currently working on solutions to this reliability issue.
- Grants and infrastructure development are currently limited by right-of-way restrictions, but OIM is interested in working with developers who are looking to build this infrastructure on land that is adjacent to but not within the highway right-of-way.

Freight Committee Meeting - (Darius Pakbaz, Craig Hurst, and Katrina Williams) [Timestamp 04:04:00](#)

- This quarterly Freight update will focus on updating the TC on the progress and next steps in the:
- Colorado Freight Plan development, an overview of the National Highway Freight Program project selections, and an update and overview of the freight permitting operations. This is an Informational update only, no action is requested.

Discussion

- No comments or questions were raised by TC members.

Adjournment: Approximately 5:00 pm

TRANSPORTATION COMMISSION MEETING 9:00 am to 10:30 am

Thursday, February 16, 2023

https://www.youtube.com/watch?v=r_8jRHwB_A4

1. Call to Order, Roll Call [Timestamp 00:00:30](#)

All 11 Commissioners were present: Commissioners Don Stanton (TC Chair), Gary Beedy (TC Vice Chair), Karen Stuart, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Barbara Vasquez, Eula Adams, Yessica Holguin, Terry Hart, and Kathy Hall were present.

2. Public Comments

- None

3. Comments of the Chair and Individual Commissioners [Timestamp 00:01:05](#)

- Several Commissioners recognized the work of John Lorme, CDOT Division of Maintenance and Operations, and the CDOT maintenance team for the great work clearing snow and ice from roads.
- Several Commissioners recognized CDOT staff both in the office and out on the roads for their good work on projects.
- Commissioner Hickey attended a town meeting on February 4, 2023 in Bailey to talk about US 285 and necessary safety and mobility improvements. The Regional Transportation Director (RTD) of Region 2, Shane Fergus, and Region 2 Engineer, Jason Nelson, presented on the US 285 improvements planned. Roughly 75 people attended this meeting. In addition, it was noted that new zoning regulations in Colorado Springs have been considered to promote more dense development surrounding transit hubs in response to GHG rules, and is a good examples of local communities focused on local needs.
- Commissioners Hart and Hall noted that the workshops conducted yesterday for the TC were very well done and greatly appreciated.
- Commissioner Adams thanked and recognized all CDOT staff, and especially recognized CDOT African American staff to honor the fact that February is Black History Month. Commissioner Adams noted that Garrett Morgan, an African American, invented the first automatic three-way traffic signal system, making roads safer for all.
- Commissioner Stuart thanked CDOT Region 1 for the work on the I-25 Segment 2 and the safety and traffic analysis overviewed during the bus tour last year, and noted a tour of this project will be conducted in April.
- Commissioner Bracke recognized Region 4 RTD, Heather Paddock, for work on I-25. Attended a Bicycle Colorado Conference held in Denver. Many multimodal transportation topics were covered at the conference with Amber Blake, CDOT Division of Transit and Rail Director, serving on the transit panel, and Marsha Nelson, CDOT Equity and Environmental Justice Branch Manager, serving on the equity panel. Commissioner Bracke attended several Transportation Planning Regions (TPR) meetings and a North Front Range MPO meeting in her District. In addition, the Town Board of Trustees of Estes Park is forming a US 34 Corridor Coalition. The Coalition is focused on Transportation Management practices and aligning affordable housing with transportation.
- Commissioner Hall recognized John Lorme and Jason Smith, Region 3 RTD, for their work in her District. Noted strange truck incidents have occurred in the District and appreciates the work of CDOT to keep Glenwood Canyon open.
- Commissioner Garcia attended the ITS Fiber and Broadband Commission meeting, and the Southwest TPR meeting.
- Commissioner Vasquez, as Co-chair of the advanced mobility committee, provided a brief review of accomplishments in the past few years including work with the Colorado Energy Office and adoption of the GHG rules. Over 10% of new vehicle sales are now EVs. Referred people to review materials presented by Mike King, OIM Assistant Director of Electrification and Energy, EV update materials. Local training on EV maintenance is also occurring.
- Commissioner Holguin attended a workshop on an intersection on Colorado Blvd, and Leetsdale. The workshop evaluated bicycle and pedestrian access too. Attended a Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) meeting, where they discussed how to get the highest return on investment. Attended the DRCOG Regional Transportation Committee (RTC) meeting. Commissioner Holguin noted it was surprising to learn the fastest growing population, those over 65, is growing seven times faster than for other segments of the population.
- Vice-Chair Beedy noted that the response to addressing safety concerns needs to recognize that help and participation from the general public is required. People need to slow down on the roads with high winds and heavy snow conditions. Attended TPR meetings of Region 4 and recognized Region 4 for their good work, including keeping engineering in house to keep costs down. The public's behavior on the road influences safety and crash statistics. Safety data from CDOT notes that fatalities frequently involve impaired driving and road rage incidents. Also, on Feb 22-23 at the KOA building there will be a General Motors (GM) sponsored first responder training for EVs.

4. Executive Director's Management Report (Shoshana Lew) Timestamp 00:33:22

- Welcomed Keith Stefanik as the new Chief Engineer, and noted Keith's extensive experience on the Central 70 project.
- Welcomed Region 2 Regional Transportation Director (RTD), Shane Ferguson.
- Marsha Nelson, CDOT Equity and Environmental Justice Branch Manger, has new hires onboarding.
- Recognized Kay Kelly, OIM Chief, especially on workforce training for EVs and the good dialogue that occurred regarding grants.
- Maintenance team and John Lorme were recognized. Vacancy numbers for Operations and Maintenance are decreasing substantially. Incentives with pay and housing along with in-house commercial drivers license (CDL) training are paying off.
- Recognized Western Colorado is an issue for commercial and passenger vehicle drivers and driver behavior is a safety concern especially in the snowy and icy conditions. CDOT is doing what they can. Colorado State Patrol (CSP) checkpoints have been added, in an effort to keep speeds down. These actions are not meant to be punitive but to keep people safe.

5. Chief Engineer's Report (Keith Stefanik) Timestamp 00:39:10

- Recognized Chief Engineer Harelson for his work.
- Chief Stefanik expressed that he is honored to fill this role. Collaboration is key. Excited to keep working with the CDOT team.
- CDOT needs industry and their perspective to be successful. Also need to feed off the good work of the CDOT Region Transportation Directors.
- Emphasis areas are to:
 - Continue to focus on Safety.
 - Listen, engage with stakeholders - FHWA, Locals and Industry partners.
 - CDOT has a larger program of projects and we need industry to help with project delivery.
- Focused on Communication.
- Executive Director Lew was thanked for giving him this opportunity.

6. CTIO Director's Report (Nick Farber) Timestamp 00:44:33

- Announced Central 70 tolling GO LIVE has been delayed until Spring. As a result, the South Gap will not have tolling GO LIVE until summer.
 - ETC submitted a remediation plan for this situation last Friday to the CTIO. A proposed date has been identified but evaluation is required before more details can be released. Intent is to share this information with the TC next month.
 - Thanked E-470 leader and staff for their coordination.
- Piper Darlington working on TIFIA loan closing – working with Build America Bureau to finalize this loan part of the loan will be adding on additional funds for the I-25 Segment project.
 - Thanked E-470 leader and staff for their coordination.
 - The hope is for a spring closing of the TIFIA loan.
 - The CTIO is meeting with the CDOT Executive Management Team next week to go over the loan.
 - Hoping for a joint CTIO Board and TC workshop in March. With document approval scheduled for April. Final approval may need to be extended to May to ensure meeting of Congressionally required notification deadlines and USDOT approval.

7. FHWA Division Administrator Report (John Cater) Timestamp 00:48:45

- Everyday Counts (EDC) National Summit is occurring right now with many presenters from CDOT. The purpose is to explore technologies to advance transportation that are ready to implement not have not yet been .
- FHWA received 20 Safe Streets for All grant projects to manage.
- Pertaining to Safety, John attended an Executive Oversight Group presentation from CDOT last week on what is going on now with the State Highway Safety Plan (SHSP). Safety statistics and crash numbers are still moving in the wrong direction.
- A meeting with the National Highway Traffic Safety Administration (NHTSA) highlighted what can be done now to augment safety with technology. With existing technology we can pick out a vehicle and see if a driver is wearing a seatbelt, eating, using a cell phone, or speeding. This allows us to evaluate data and identify strategies to influence driver behavior to enhance safety.

8. Statewide Transportation Advisory Committee (STAC) Report (Vincent Rogalski) [Timestamp 00:55:42](#)

- STAC met on February 2nd, and Herman Stockinger, CDOT Deputy Executive Director, provided staffing updates with the new Chief Engineer, Keith Stefanik, and Region 2 RTD, Shane Ferguson. Herman also provided an overview of upcoming TC topics for next month.
- A STAC Work Plan has been developed and will serve as a productive forum to observe opposing viewpoints and work together to form consensus.
- The Transportation Alternatives Program (TAP) was approved and the call for applications opened, but some STAC members were disappointed with TC's decision regarding the TAP project selection process that was approved.
- Update on winter maintenance was provided; commended CDOT maintenance on good work done to clear roads of ice and snow.
- CDOT Maintenance job vacancies are down, and CDOT experienced 282 avalanches that needed to be cleared.
- An Annual Accomplishments report was presented by the CDOT Communications Office.
- Five hundred and thirty-eight miles of road were paved last year, and the COTRIP -CDOT website has been enhanced, that also includes locations of plows in real time during and after storms.
- Program Distribution is scheduled to start this summer ahead of the CDOT 2050 Statewide Long Range Transportation. Discussed subcommittees or all of STAC engaged in discussion for resource allocation. STAC voted to include all of STAC.
- Applications are coming in for TAP – applications require Region Engineering review first to ensure feasibility.
- HB 1101 would add a transit entity to represent transit as a voting member on TPR Regional Planning Commissions.

9. Act on Consent Agenda [Timestamp 01:04:08](#)

A Motion by Commissioner Garcia to approve, and seconded by Commissioner Holguin passed unanimously.

- a) Proposed Resolution #1: Approve the Regular Meeting Minutes of January 18, 2023 (Herman Stockinger)
- b) Proposed Resolution #2: IGA Approval >\$750,000 (Keith Stefanik)
- c) Proposed Resolution #3: Adoption of Policy Directive 89.0 "Risk and Insurance Management" (Herman Stockinger and Darrell Lingk)

- d) Proposed Resolution #4: Adoption of Policy Directive 80.0 "Employee Safety Program - Excellence in Safety" (Herman Stockinger and Darrell Lingk)
- e) Proposed Resolution #5: MMOF - Match Reduction Request (Michael Snow)

10. Discuss and Act on Proposed Resolution #6: 8th Budget Supplement of FY 2023 (Jeff Sudmeier and Bethany Nicholas) [Timestamp 01:04:45](#)

A Motion by Commissioner Bracke to approve, and seconded by Commissioner Hall passed unanimously.

11. Discuss and Act on Proposed Discuss and Act on Resolution #7: Policy Directive 703.0 (Jeff Sudmeier) [Timestamp 01:07:00](#)

A Motion by Commissioner Vasquez to approve, and seconded by Commissioner Beedy passed unanimously.

12. Discuss and Act on Proposed Resolution #8: State Infrastructure Bank New Loan (Jeff Sudmeier) [Timestamp 01:10:05](#)

A Motion by Commissioner Hall to approve, and seconded by Commissioner Hickey passed unanimously.

13. Discuss and Act on Proposed Resolution #9: Request to Open Permanent Rulemaking for 2 CCR 605-1, Colorado State Infrastructure Bank Rules (Herman Stockinger) [Timestamp 01:13:04](#)

A Motion by Commissioner Vasquez to approve, and seconded by Commissioner Beedy passed unanimously.

- Follows on from Resolution #8 pertaining to a mandatory rulemaking process – Sari Weichbrodt facilitated discussion on this rulemaking change and update. Rulemaking hearing is scheduled for April 7th

14. Discuss and Act on Proposed Resolution #10: State Highway Access Category Assignment Schedule Rulemaking Update (Dan Roussin) [Timestamp 01:16:35](#)

A Motion by Commissioner Hart to approve, and seconded by Commissioner Garcia passed unanimously.

- Follows on from Resolution #8 pertaining to a mandatory rulemaking process – Sari Weichbrodt facilitated discussion on this rulemaking change and update. Rulemaking hearing scheduled for April 7th.

15. Discuss and Act on Proposed Resolution #11: Proposed CTIO Staffing and New Tolling Operations Branch and Divisions (Nick Farber and Kelly Brown) [Timestamp 01:21:29](#)

- A Motion by Commissioner Stuart to approve, and seconded by Commissioner Adams passed unanimously.

16. Discuss and Act on Proposed Resolution #12: Condemnation Request (Keith Stefanik) [Timestamp 01:24:38](#)

A Motion by Stuart Commissioner to approve, and seconded by Commissioner Vasquez passed unanimously.

- Commissioner Bracke abstained from voting on this resolution.

17. Recognitions [Timestamp 01:26:06](#)

- None.

18. Other Matters [Timestamp 01:26:15](#)

- Gary Vansuch, CDOT Process Development Director, is holding an Intern Report Out event to follow the Bridge and Tunnel Enterprise Board of Directors meeting today.
- TC Chair, Don Stanton, announced he is stepping down as Chair of the TC after the March meeting. Commissioner Stanton is moving. Commissioner Beedy will be serving as Chair after the March TC meeting.

- Commissioners Stuart, Hall and Holguin have been appointed by Commissioner Stanton to serve as a temporary nominating committee for the next Vice Chair, and to report out their nomination at the March TC meeting.

19. Adjournment - Approximately 10:30 am.



COLORADO
Department of Transportation
Office of the Chief Engineer

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

Memorandum

TO: Transportation Commission

FROM: Lauren Cabot

DATE: March 2, 2023

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: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF PARCEL 52-EX, 4631 JOSEPHINE ST., CENTRAL 70

Purpose

CDOT Region 1 is proposing to dispose of Parcel 52-EX comprising 9,485 sq. ft. (0.218 acres) of property that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 1 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 9,485 sq. ft. (0.218 acres) of property that is no longer needed for transportation or maintenance purposes.

Background

Parcel 52-EX was acquired by CDOT in 2016 for the Central 70 Project. The project necessitated the purchase of the property in excess of CDOT's ultimate needs. Region 1 has determined that parcel 52-EX is no longer needed for transportation purposes, as work on the Central 70 Project is complete in the area where the subject parcel is located. No highway improvements have been or will be built on Parcel 52-EX, and CDOT wishes to dispose of the property for fair market value.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell Parcel 52-EX in exchange for fair market value in accordance with C.R.S. 43-1-210 and 23 CFR 710.403. The revenue from the sale of the parcel will be dispersed in accordance with CDOT ROW Manual Chapter 7.2.16.

Attachments

Exhibits Depicting the Disposal Property



EXHIBIT "A"

PROJECT NUMBER: FBR 0704-234

PARCEL NUMBER: 52-EX

PROJECT CODE: 21430

DATE: January 10, 2023

DESCRIPTION

A parcel of land No. 52-EX of the Department of Transportation, State of Colorado Project No. FBR 0704-234 containing 9,485 sq. ft. (0.218 acres), more or less, lying in the northwest quarter of the northwest quarter of Section 24, Township 3S, Range 68W, of the 6th Principal Meridian, in Denver City and County, Colorado, being Lots 23, 24, the south half of Lot 25 and a portion of Lot 22, Block 3, Mouat's Addition to Swansea, a subdivision recorded in Denver City and County records in Book 13 at Page 16 and being more particularly described as follows:

Commencing at a PK nail and washer, CDOT PLS 38027, at the terminus of an 18.57 foot range line, whence a Stone with a Chiseled X in a range box bears S89°50'58" W on said range line a distance of 289.07 feet; thence S00°09'00"W, on a 20 foot range line a distance of 347.62 feet; thence 20.00 feet west perpendicular to said 20 foot range line, to the northeast corner of said south half of Lot 25, said northeast corner being the POINT OF BEGINNING;

1. Thence S00°09'00"W, on the west right-of-way line of Josephine St., a distance of 59.77 feet;
2. Thence on the arc of a curve to the right, a radius of 24.50 feet, a central angle of 69°46'27", a distance of 29.84 feet, (a chord bearing S48°10'38"W, a distance of 28.03 feet);
3. Thence on the arc of a curve to the right, a radius of 331.00 feet, a central angle of 07°52'26", a distance of 45.49 feet, (a chord bearing S87°00'04"W, a distance of 45.45 feet);
4. Thence N88°30'29"W, a distance of 53.73 feet to a point on the west lines of said Lots 22 to 25;
5. Thence N00°08'12"E, on said west lines, a distance of 79.72 feet to the north line of said south half of Lot 25;
6. Thence S89°51'51"E, on said north line, a distance of 119.95 feet to the POINT OF BEGINNING.

The above described parcel contains 9,485 sq. ft. (0.218 acres), more or less.

Basis of Bearings: All bearings are grid bearings of the UTM System, Zone 13 North, NAD 1983 (1992) determined by a fast static GPS survey. The line between point MCDONNELL and point W410, monumented as shown in the Land Survey Control Diagram at CDOT Project No. NH 0361-070 and filed in the City & County of Denver, CO at Reception No. L013566, bears N14°20'15.6"W.

Authored For and on Behalf of the
Department of Transportation
Lee Pennell
425 Corporate Cr.
Golden, CO 80401



PARCEL 52-EX

NW ¼ NW ¼ Sec 24, T3S, R68W/6th PM

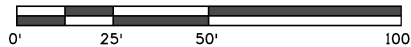
Contains 9,485 sq. ft.
(0.218 Acres) with no remainder

DENVER COUNTY

Authored by: Lee Pennell, PLS 38027
CDOT, Region 1 R.O.W.
425 Corporate Circle
Golden, CO 80401

Property Address:
4631 Josephine St.
Denver, CO 80216

Owner(s):
Colorado Department of Transportation
Mailing Address:
2829 West Howard Place
Denver, CO 80204



Colorado Department of Transportation



425 A Corporate Circle
Golden, CO 80401
Phone: 720-497-6983
FAX: 720-497-6901

Region 1

DPS

Legal Description - Exhibit A

This drawing graphically depicts the attached legal description only.
This drawing does *not* represent a Land Survey.

Project Number: FBR 0704-234			
Project Location: I-70 (East Corridor)			
Project Code: 21430	Last Mod. Date: 01/10/2023	Subset Sheets:	Sheet No.:



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF PARCEL 83-EX, 4625 MILWAUKEE ST., CENTRAL 70

Purpose

CDOT Region 1 is proposing to dispose of Parcel 83-EX comprising 4,605 sq. ft. (0.106 acres) of property that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 1 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 4,605 sq. ft. (0.106 acres) of property that is no longer needed for transportation or maintenance purposes.

Background

Parcel 83-EX was acquired by CDOT in 2018 for the Central 70 Project. The project necessitated the purchase of the property in excess of CDOT's ultimate needs. Region 1 has determined that parcel 83-EX is no longer needed for transportation purposes, as work on the Central 70 Project is complete in the area where the subject parcel is located. No highway improvements have been or will be built on Parcel 83-EX, and CDOT wishes to dispose of the property for fair market value.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell Parcel 83-EX in exchange for fair market value in accordance with C.R.S. 43-1-210 and 23 CFR 710.403. The revenue from the sale of the parcel will be dispersed in accordance with CDOT ROW Manual Chapter 7.2.16.

Attachments

Exhibits Depicting the Disposal Property



EXHIBIT "A"

PROJECT NUMBER: FBR 0704-234

PARCEL NUMBER: 83-EX

PROJECT CODE: 21430

DATE: January 10, 2023

DESCRIPTION

A parcel of land No. 83-EX of the Department of Transportation, State of Colorado Project No. FBR 0704-234 containing 4,605 sq. ft. (0.106 acres), more or less, lying in the northeast quarter of the northwest quarter of Section 24, Township 3 South, Range 68 West, of the Sixth Principal Meridian, in the City & County of Denver, Colorado, being a portion of Block 6, Plat of Vasquez Court, a subdivision recorded in the records of the City & County of Denver at Book 27, Page 19, said parcel being more particularly described as follows:

Commencing at a Drag Tooth in a range box, at the terminus of an 20 foot range line, whence a PK nail and washer, CDOT PLS 38027, bears N89°52'19"E on said range line a distance of 150.05 feet; thence S00°09'27"W, on a 20 foot range line a distance of 350.00 feet; thence 20.00 feet west perpendicular to said 20 foot range line, to a point on the west right-of-way of Milwaukee St., said point being the POINT OF BEGINNING;

1. Thence S00°09'27"W, on said west right-of-way line, a distance of 26.71 feet;
2. Thence on the arc of a curve to the right, a radius of 27.50 feet, a central angle of 75°13'36", a distance of 36.11 feet, (a chord bearing S51°37'07"W, a distance of 33.57 feet);
3. Thence N89°37'19"W, a distance of 73.73 feet to a point on the west line of said Block 6;
4. Thence N00°09'18"E, on said west line, a distance of 47.29 feet;
5. Thence S89°52'19"E, a distance of 99.99 feet, to the POINT OF BEGINNING.

The above described parcel contains 4,605 sq. ft. (0.106 acres), more or less.

Basis of Bearings: All bearings are grid bearings of the UTM System, Zone 13 North, NAD 1983 (1992) determined by a fast static GPS survey. The line between point MCDONNELL and point W410, monumented as shown in the Land Survey Control Diagram at CDOT Project No. NH 0361-070 and filed in the City & County of Denver, CO at Reception No. L013566, bears N14°20'15.6"W.

Authored For and on Behalf of the
Department of Transportation
Lee Pennell
425 Corporate Circle.
Golden, CO 80401



PARCEL 83-EX

Contains 4,605 sq. ft.
(0.106 Acres) with no remainder

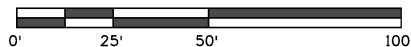
Property Address:
4625 Milwaukee St.
Denver, CO 80216

Owner(s):
Colorado Department of Transportation
Mailing Address:
2829 West Howard Place
Denver, CO 80204

NE ¼ NW ¼ Sec 24, T3S, R68W/6th PM

DENVER COUNTY

Authored by: Lee Pennell, PLS 38027
CDOT, Region 1 R.O.W.
425 Corporate Circle
Golden, CO 80401



Colorado Department of Transportation



425 A Corporate Circle
Golden, CO 80401
Phone: 720-497-6983
FAX: 720-497-6901

Region 1

DPS

Legal Description - Exhibit A

This drawing graphically depicts the attached legal description only.
This drawing does *not* represent a Land Survey.

Project Number: FBR 0704-234			
Project Location: I-70 (East Corridor)			
Project Code: 21430	Last Mod. Date: 01/10/2023	Subset Sheets:	Sheet No.:



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF PARCEL 185-EX, 4542 FILLMORE ST., CENTRAL 70

Purpose

CDOT Region 1 is proposing to dispose of Parcel 185-EX comprising 5,187 sq. ft. (0.119 acres) of property that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 1 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 5,187 sq. ft. (0.119 acres) of property that is no longer needed for transportation or maintenance purposes.

Background

Parcel 185-EX was acquired by CDOT in 2017 for the Central 70 Project. The project necessitated the purchase of the property in excess of CDOT's ultimate needs. Region 1 has determined that parcel 185-EX is no longer needed for transportation purposes, as work on the Central 70 Project is complete in the area where the subject parcel is located. No highway improvements have been or will be built on Parcel 185-EX, and CDOT wishes to dispose of the property for fair market value.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell Parcel 185-EX in exchange for fair market value in accordance with C.R.S. 43-1-210 and 23 CFR 710.403. The revenue from the sale of the parcel will be dispersed in accordance with CDOT ROW Manual Chapter 7.2.16.

Attachments

Exhibits Depicting the Disposal Property



EXHIBIT "A"

PROJECT NUMBER: FBR 0704-234

PARCEL NUMBER: 185-EX

PROJECT CODE: 21430

DATE: January 10, 2023

DESCRIPTION

A parcel of land No. 185-EX of the Department of Transportation, State of Colorado Project No. FBR 0704-234 containing 5,187 sq. ft. (0.119 acres), more or less, lying in the southeast quarter of the northwest quarter of Section 24, Township 3 South, Range 68 West, of the 6th Principal Meridian, in the City & County of Denver, Colorado, being Lot 6 and a portion of Lot 5, Block 18, Town of Swansea, a subdivision recorded in Denver City and County records in Engineering Book 04 at Page 023, being more particularly described as follows:

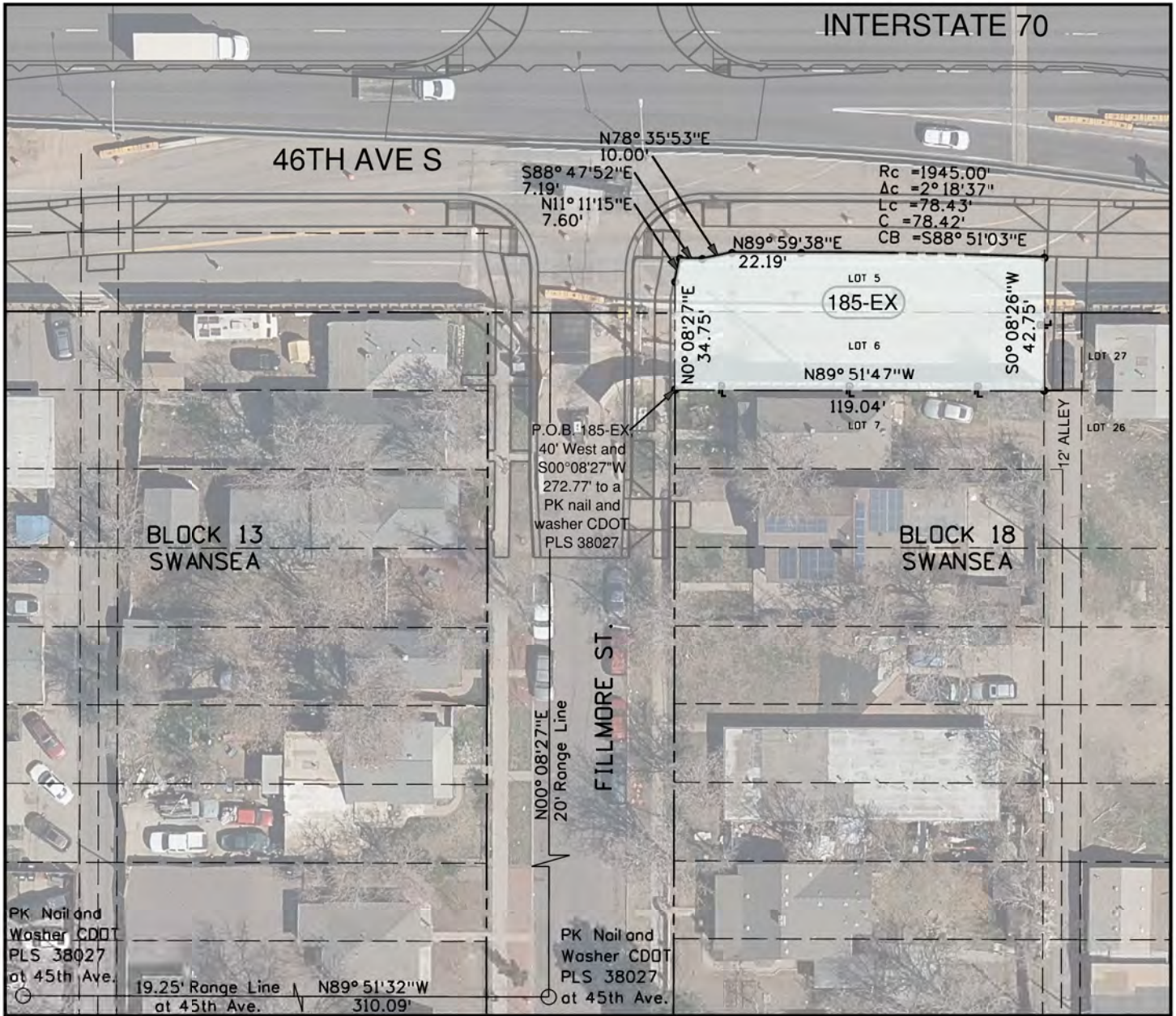
Commencing at a PK nail and washer, CDOT PLS 38027, at the terminus of an 19.25 foot range line, whence a PK nail and washer, CDOT PLS 38027 bears N89°51'32"W on said range line a distance of 310.09 feet; thence N00°08'27"E, on a 20 foot range line a distance of 272.77 feet; thence 40.00 feet east perpendicular to said 20 foot range line, to the southwest corner of said Lot 6, said southwest corner being the POINT OF BEGINNING;

1. Thence N00°08'27"E, on the east right-of-way of Fillmore St., a distance of 34.75 feet;
2. Thence N11°11'15"E, a distance of 7.60 feet;
3. Thence S88°47'52"E, a distance of 7.19 feet;
4. Thence N78°35'53"E, a distance of 10.00 feet;
5. Thence N89°59'38"E, a distance of 22.19 feet;
6. Thence on the arc of a curve to the right, a radius of 1,945.00 feet, a central angle of 02°18'37", a distance of 78.43 feet, (a chord bearing S88°51'03"E, a distance of 78.42 feet) to a point on west line of a 12.00 feet wide alley;
7. Thence S00°08'26"W, on said west line, a distance of 42.75 feet to a point on the south line of said Lot 6;
8. Thence N89°51'47"W, on said south line, a distance of 119.04 feet, to the POINT OF BEGINNING.

The above described parcel contains 5,187 sq. ft. (0.119 acres), more or less.

Basis of Bearings: All bearings are grid bearings of the UTM System, Zone 13 North, NAD 1983 (1992) determined by a fast static GPS survey. The line between point MCDONNELL and point W410, monumented as shown in the Land Survey Control Diagram at CDOT Project No. NH 0361-070 and filed in the City & County of Denver, CO at Reception No. L013566, bears N14°20'15.6"W.

Authored For and on Behalf of the
Department of Transportation
Lee Pennell
425 Corporate Circle.
Golden, CO 80401



PARCEL 185-EX

Contains 5,187 sq. ft.
(0.119 Acres) with no remainder

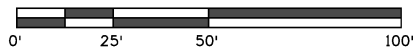
Property Address:
4542 Filmore St.
Denver, CO 80216

Owner(s):
Colorado Department of Transportation
Mailing Address:
2829 West Howard Place
Denver, CO 80204

SE ¼ NW ¼ Sec 24, T3S, R68W/6th PM

DENVER COUNTY

Authored by: Lee Pennell, PLS 38027
CDOT, Region 1 R.O.W.
425 Corporate Circle
Golden, CO 80401



Colorado Department of Transportation



425 A Corporate Circle
Golden, CO 80401
Phone: 720-497-6983
FAX: 720-497-6901

Region 1

DPS

Legal Description - Exhibit A

This drawing graphically depicts the attached legal description only.
This drawing does *not* represent a Land Survey.

Project Number: FBR 0704-234

Project Location: I-70 (East Corridor)

Project Code:	Last Mod. Date	Subset Sheets	Sheet No.
21430	01/10/2023		



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF PARCEL 48-EX, CO 402 & CR 9E LARIMER COUNTY

Purpose

CDOT Region 4 is proposing to dispose of Parcel 48-EX comprising 55,054 sq. ft. (1.264 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 4 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 55,054 sq. ft. (1.264 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

Parcel 48-EX was created when Parcel 48 Rev was split roughly in half. Parcel 48 Rev was originally acquired in 2016 for right of way widening on CO 402 as part of Project STA 402-003 (12509). The right of way widening necessitated the purchase of an entire property in excess of CDOT's needs at the northwest corner of CO 402 and CR 9E. Region 4 has determined that parcel 48-EX is no longer needed for transportation purposes. No highway improvements have been or will be built on Parcel 48-EX, and CDOT wishes to dispose of the property for fair market value.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell Parcel 48-EX in exchange for fair market value in accordance with C.R.S. 43-1-210 and 23 CFR 710.403. The revenue from the sale of the parcel will be dispersed in accordance with CDOT ROW Manual Chapter 7.2.16.

Attachments

Exhibits Depicting the Disposal Property





Legend

Addresses	Railroads	City or Town
Subdivisions	Major Road System	County
Tax Parcels	Road System	State
Platted Lots	Lakes and Ponds	Federal
Home Owners Assoc & Severed Mine Rights	Major Rivers and Streams	Other

Notes

0.0 0 0.0 Miles



Date Prepared: 8/22/2022 10:24:45 AM

Scale
1: 1,200




This map was created by Larimer County GIS using data from multiple sources for informal purposes only. This map may not reflect recent updates prior to the date of printing. Larimer County makes no warranty or guarantee concerning the completeness, accuracy, or reliability of the content represented.


Untitled Map

Write a description for your map.

Legend

 Loveland Water Disposal Request

Approximate Area of Excess

 Loveland Water Disposal Request

14th St SE

18

402

14th St SE

Retained ROW Area





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF FORMER CUCHARA MTC. SITE & SAND SHED, SH 160

Purpose

CDOT Region 2 is proposing to dispose of a former maintenance site and sand shed on SH 160 in Huerfano County. The property is comprised of 16,074 sq. ft. (0.369 acres) that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 2 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 16,074 sq. ft. (0.369 acres) of property that is no longer needed for transportation or maintenance purposes.

Background

CDOT acquired the subject property, located at MP 292.5 of SH 160 in Huerfano County, in 1944. The existing sand shed was constructed in 1976. CDOT is now utilizing sand sheds elsewhere in the region, and this site is no longer in use and no longer needed for transportation or maintenance purposes. As shown on the attached exhibit, most of the parcel's asphalt is encroaching on the adjoining property. This landowner is interested in acquiring the entire parcel. CDOT's goal is to dispose of the portion owned by CDOT and resolve the encroachment issue.

No highway improvements have been or will be built on the property. The disposal of the property will provide revenue that is needed for maintenance properties throughout the region.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell the parcels in accordance with C.R.S. 43-1-210(5). CDOT will execute quitclaim deeds to convey the subject properties in exchange for fair market value. The deeds will be recorded in the office of the Huerfano County Clerk and Recorder. Funds from the disposal shall be disbursed in accordance with Section 7.2.16 of the CDOT Right of Way Manual.

Attachments

Exhibits Depicting the Disposal Property





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MARCH 16, 2023
SUBJECT: DISPOSAL OF FORMER CRIPPLE CREEK MTC. SITE, SH 67

Purpose

CDOT Region 2 is proposing to dispose the former Cripple Creek Maintenance Site. The property is located at SH 67 and Bison Street in Cripple Creek and comprised of 33,750 sq. ft. (0.775 acres) that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 2 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal 33,750 sq. ft. (0.775 acres) of property that is no longer needed for transportation or maintenance purposes.

Background

The subject property was acquired in 1981 for use as a maintenance site. The property is no longer in use and no longer needed for transportation or maintenance purposes. As shown on the attached exhibit, the property is comprised of parcel 19383 and parcel 19381. CDOT would consider each a standalone parcel that would be sold individually for fair market value. CDOT will be retaining 25 square feet of the northwest corner of parcel 19383 for access purposes.

Next Steps

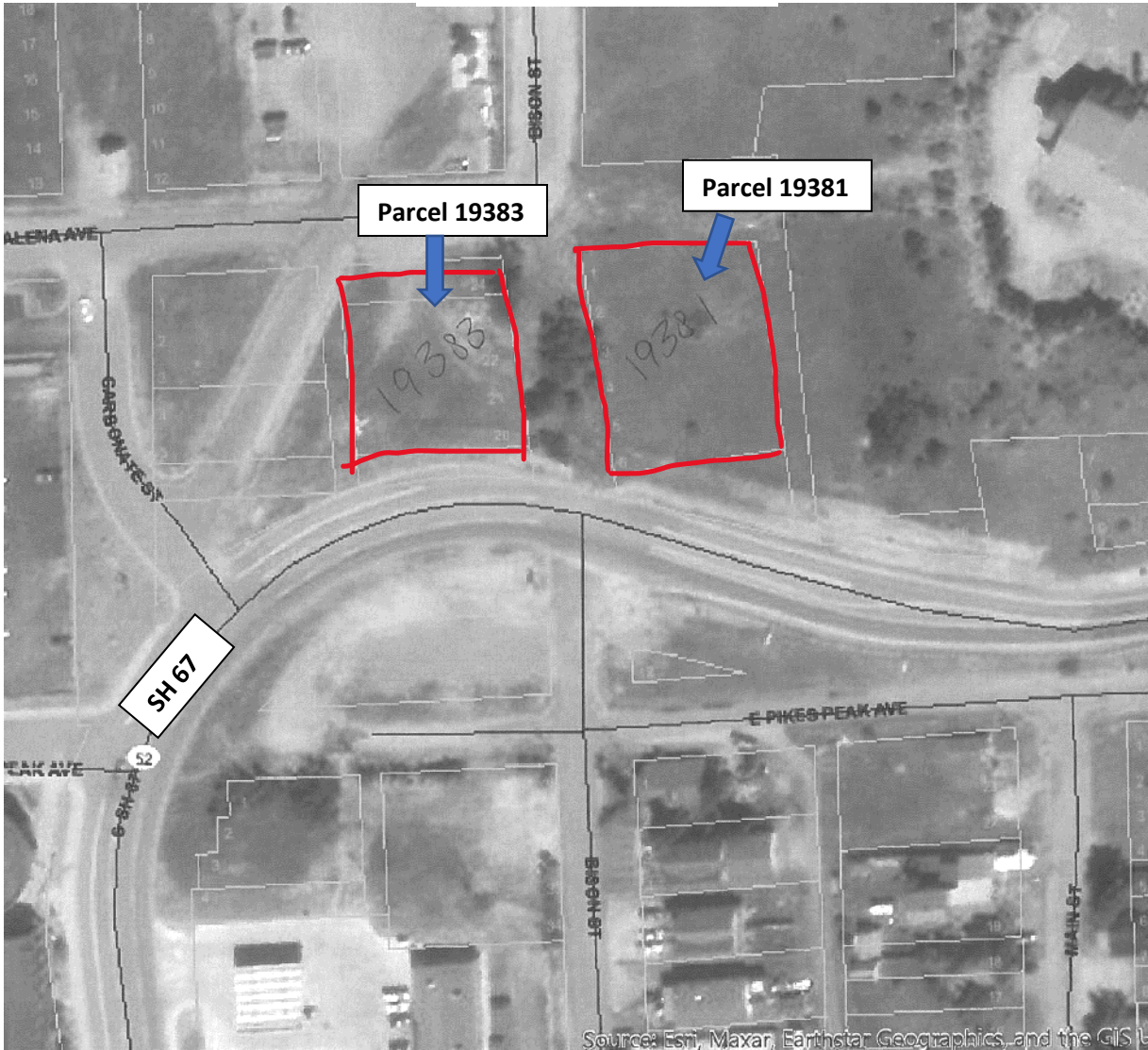
Upon approval of the Transportation Commission, CDOT will sell the parcels in accordance with C.R.S. 43-1-210(5). CDOT will execute quitclaim deeds to convey the subject properties in exchange for fair market value. The deeds will be recorded in the office of the Teller County Clerk and Recorder. Funds from the disposal shall be disbursed in accordance with Section 7.2.16 of the CDOT Right of Way Manual.

Attachments

Exhibits Depicting the Disposal Property



EXHIBIT A – CRIPPLE CREEK





MEMORANDUM

DATE: Wednesday, March 15, 2023
TO: The Transportation Commission
FROM: Brain Killian, Region 3 Access Program Manager
Dan Roussin, Program Administrator Access Management Unit
SUBJECT: Access Appeal of Access Permit # 322125

Purpose

The purpose of this memorandum is to 1) inform the Transportation Commission of the access permit appeal in Region 3 on State Highway I-70Z, 2) summarize the details of the access appeal and 3) summarize the access appeal process as outlined in the State Highway Access Code (2 CCR 601-1, 2.9).

Action Requested

Region 3 recently received a request for a hearing related to an access closure and relocation on CDOT Highway I-70Z from G.J. Auto Sales LLC/AMDM, LLC. Pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission determines whether this appeal will be heard by the Transportation Commission or by an Administrative Law Judge from the Department of Personnel Administration, Office of Administrative Courts. Staff is requesting that the Transportation Commission make this determination.

Background

CDOT regulates highway access pursuant to C.R.S. § 43-2-147 and the State Highway Access Code, 2 CCR 601-1 (2002). Through the access permitting process, CDOT manages all access points to help meet current engineering and safety standards. CDOT will be reconstructing I-70Z (CDOT Project # 23583) in downtown Grand Junction in Fall 2024. CDOT has done an Access Management Plan for this corridor that will help achieve the following goals:

- bring the corridor into conformance with the State Highway Access Code (SHAC), where possible
- improve safety and operations along the corridor for all users
- support operations of existing land uses
- consistent approach to access for similar land uses, while considering unique land use circumstances.

With these goals in mind, CDOT evaluated the entire corridor and made consistent access decisions along the corridor. Certain accesses will need to be closed and/or relocated in order to achieve the objectives of the Project and the Access Management Plan.

Details

A diagram showing the relevant properties, the existing accesses, and the proposed location of the new access can be found in Appendix A.

The properties at 317 and 319 S 2nd Street and 123 Ute Avenue in Grand Junction are currently commercial properties under the ownership of AMDM LLC. A single used auto dealer business, GJ Auto Sales, currently operates using all three properties. There is a building that occupies most of the 319 parcel with doors located at the northwest corner of the building facing north. Customer parking and inventory storage is located north of the building. The east side of the parcels and building is located adjacent to 2nd Street right-of-way (ROW) with curb, gutter and sidewalk in front of the building. The south side of the building abuts a City of Grand Junction alley that currently accesses Pitkin Avenue on the west and 2nd Street on the east (Access #52 and #G30, respectively on the I-70B Access Management Plan). There is a small vacant area west of the building (Approximately varies from 10-30 feet wide) that is accessed for parking for one to two vehicles today by crossing over CDOT ROW. On-street parking is available on 2nd Street.

Field observations were conducted, and multiple meetings and phone calls were held with Mike and Amber Martinez, the members of AMDM LLC, to discuss access to the property and understand the operations of the current business. Formal in-person meetings were held with CDOT staff on November 14, 2018, July 28, 2022, and November 3, 2022. Region 3 issued a form 138 Access Permit # 322125 on September 16, 2022 notifying AMDM LLC of the closure of the direct access to Highway I-70Z and the alley access. As depicted in Appendix A, CDOT will

construct a new access for these properties on South 2nd Street. On November 11, 2022, CDOT received a letter from Mr. and Mrs. Martinez requesting a hearing to appeal the closure of the two accesses. The Appeal Letter and Access Permit can be found in Appendix B.

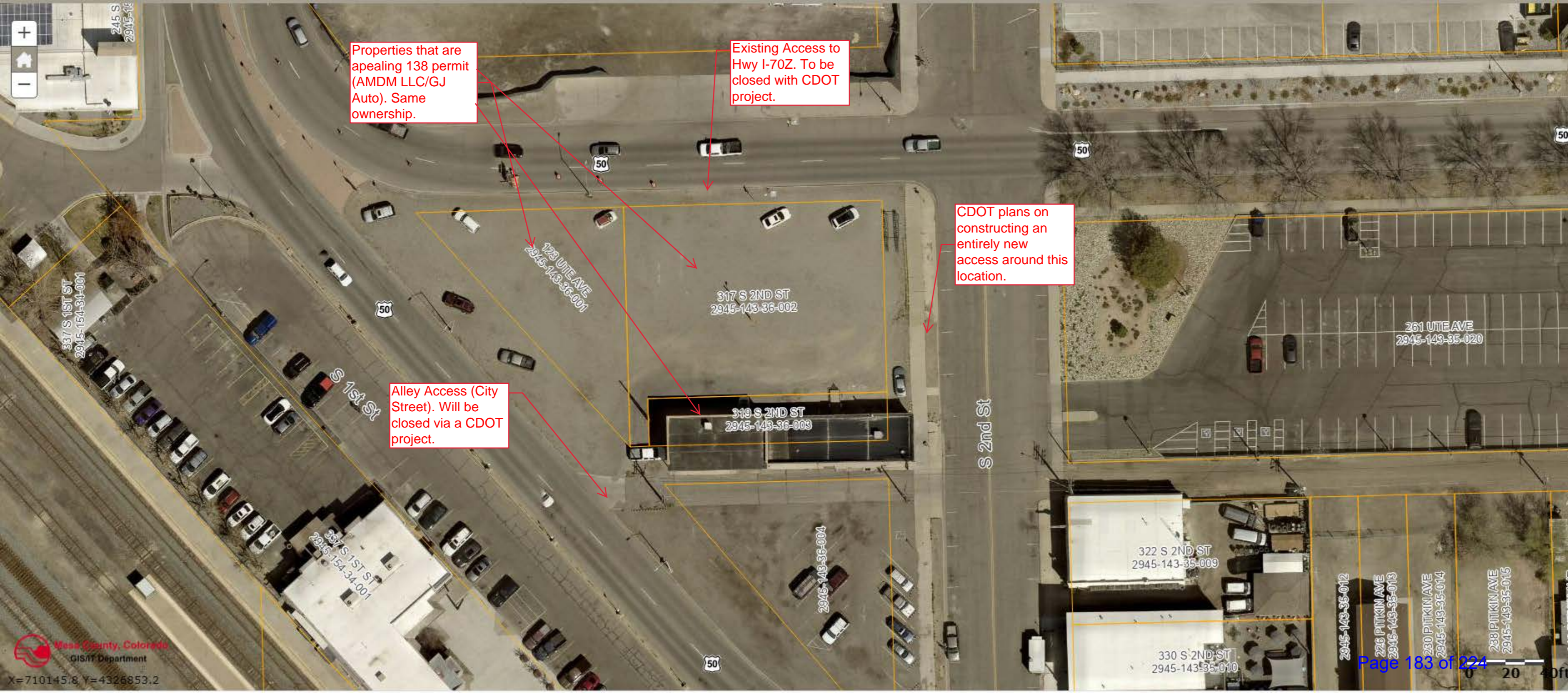
Next Steps

Staff recommends that the Transportation Commission delegate the appeal to the Department of Administration, Office of Administrative Courts. Because of the time involved in resolving access appeals and sensitivity of the current situation, staff believes delegating the appeal to the Office of Administrative Courts will provide the most efficient decision.

Attachments

- Appendix A: Location Map
- Appendix B: Appeal Letter & Access Permit #322125





Properties that are appealing 138 permit (AMDM LLC/GJ Auto). Same ownership.

Existing Access to Hwy I-70Z. To be closed with CDOT project.

CDOT plans on constructing an entirely new access around this location.

Alley Access (City Street). Will be closed via a CDOT project.

123 UTE AVE
2945-143-36-001

317 S 2ND ST
2945-143-36-002

319 S 2ND ST
2945-143-36-003

261 UTE AVE
2945-143-35-020

337 S 1ST ST
2945-154-34-001

337 S 1ST ST
2945-154-34-001

2945-143-36-004

322 S 2ND ST
2945-143-35-009

330 S 2ND ST
2945-143-35-010

2945-143-35-012

226 PITKIN AVE
2945-143-35-013

280 PITKIN AVE
2945-143-35-014

288 PITKIN AVE
2945-143-35-015

S 2nd St

G.J. Auto Sales L.L.C./AMDM L.L.C.
320 South 1st St. Grand Jct. CO 81501
Friday, November 11, 2022 4:23 PM

To whom it may concern:


We are writing to request a hearing and to appeal the closure of both of our only access driveways which will severely hurt our business. These are the 2 main visible entrances into our lot and have been for more than 20 years, with zero accidents pulling in to either entrance. Changing the access to South 2nd Street would not only confuse customers but be more of a danger for them to pull in at that degree off of Ute Ave. There has been an increase of accidents on South 2nd Street in just the last couple of months. It would also take away more of our property by putting in an access on South 2nd street as there would now need to be more than 200 feet of driveway through the middle of one parcel to get to the furthest parcel of 123 Ute Ave. If that property were to sell, they would need an access for them and their customers. We put a lot of money to add windows and doors that face both of our current accesses. Moving it to South 2nd Street would not be visible to us to be able to properly conduct our business. Not only that, but our future customers would not be able to pull in when they spot a vehicle that they want while spontaneously driving by. It also takes away store front parking for our tenants at 319 South 2nd Street. Which in turn hurts her business. Thank you for your time, Michael and Amber Martinez

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT				CDOT Permit No. 322125
				State Highway/MP/Side 070Z / 1.299 / Left
				Local Jurisdiction Grand Junction
Project Number NHPP 070A-037(23583)	Parcel Reference 2945-143-36-002	Station Reference 23+50	Region / Section / Patrol 3 / 02 / 2J11	Date of Transmittal 09/16/2022
Issuing Authority CDOT				Reference Number: REF-140922-186267
Property Owner: AMDM LLC 320 S. 1st St. Grand Junction, Colorado 81501				
Notification to the Property Owner: In accordance with the State Highway Access Code and in the course of the reconstruction of State Highway 070Z , it is necessary to <u>close</u> your existing access to the State Highway in the interests of the public health, safety and welfare; and to bring it into conformance, to the extent feasible, with the State Highway Access Code. Such <u>closure</u> is necessitated by changes in road or traffic conditions. The location of the access closure is noted under special condition one (1), for the purpose of obtaining access for the use(s) noted under special condition number two (2). Any additional restrictions in the use of the access are noted under special condition three (3). The access shall be used in accordance with the state highway access statute, the State Highway Access Code, the terms and conditions of this permit including those on page 2 of this form and those special conditions as follows:				
Special Conditions: 1. Located on the south side of I-70Z (Ute Ave.) approximately 150 feet west of 2nd St. and 1200 feet west of MP 1 2. n/a 3. Closed. Access is off 2 nd Street alley.				
You are invited to submit any written data, views, arguments and objections in regards to this action. You may also request a hearing. Should you choose to object to this permit or any of the terms and conditions of this permit or request a hearing on such objection, you must do so in writing on or before 11/15/2022 . If you have any questions regarding this permit, please contact Brian Killian at (970) 683-6284 . If you wish to submit anything in writing, please mail it to the following person and address:				
Brian Killian CDOT Region 3 Traffic Section 222 South 6th St. Room 100 Grand Junction, Colorado			Project Engineer: Matt Casey	

MUNICIPAL OR COUNTY APPROVAL

By (x) NOT APPLICABLE	Title	Date (of issue)
------------------------------	-------	-----------------

STATE OF COLORADO, DEPARTMENT OF TRANSPORTATION

By (x) 	Title R3 Access Program Manager	Date (of issue) 09/16/2022
--	------------------------------------	-------------------------------

Required Copies:

- 1 Region Access Unit
- 2 Applicant

Make copies as necessary for:

- Local Authority
- Region ROW
- Resident Engineer
- Traffic Engineer

Previous Editions are obsolete and may not be used

CDOT Form #138 page 1
12/99, 7/00, 01/03, 12/06, 11/08



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: MARCH 16, 2023
SUBJECT: NINTH BUDGET SUPPLEMENT - FY 2022-2023

Region 1

\$1,252,352- **Strategic Projects, Tunnel Construction - EJMT SERVICE AREA REPAIR**- Additional funds needed for award. The project will address the following: Repair to deteriorated façade masonry, guardrail improvements, an Anti-Icing System at both portal entrances, surface drainage work and retaining wall repairs/additions on the SE Loop Road and replace fire extinguisher cabinets and phone boxes along the walkways in N/S bores. The low bidder’s price for the necessary work for these various Service Area repairs is not unreasonable when considering current pricing and the unique placement of the EJMT Facility along the I-70 Mountain Corridor.

EJMT SERVICE AREA REPAIR
Budget Components by Phase, Funding Program

Phase of Work	Funding Program	Original Budget	Funding Request				Revised Budget	Expended To-Date
			Previous Adjustments	Current Request	Total Adjustments	Total Adjustment		
Preconstruction	<i>Strategic Projects</i>	\$500,000	\$0	(\$35,000)	(\$35,000)		\$465,000	\$36,013
	Total Design	\$500,000	\$0	(\$35,000)	(\$35,000)	0%	\$465,000	\$36,013
Construction	<i>Strategic Projects</i>	\$6,948,974	\$0	\$61,812	\$61,812		\$7,010,786	\$0
	<i>Tunnel Construction</i>	\$369,068	\$0	\$1,225,540	\$1,225,540		\$1,594,608	\$0
	Total Construction	\$7,318,042	\$0	\$1,287,352	\$1,287,352	18%	\$8,605,394	\$0
	Total Project	\$7,818,042	\$0	\$1,252,352	\$1,252,352	16%	\$9,070,394	\$36,013

Per Policy Directive 703.0, this project is being included in the Budget Supplement as the change is greater than 15% and \$500,000 from the Original Construction Budget.

Region 3

\$1,183,591- **Geohazard Mitigation - SH 133 Rockfall N of McClure PH 2**- Additional funds needed for award. The steel items needed for debris flow and rockfall mitigation accounted for nearly half of the total estimate increase and traffic control costs made up a large portion of the rest of the increase.

SH 133 Rockfall N of McClure PH 2
Budget Components by Phase, Funding Program

Phase of Work	Funding Program	Original Budget	Funding Request				Revised Budget	Expended To-Date
			Previous Adjustments	Current Request	Total Adjustments	Total Adjustment		
Preconstruction	<i>Geohazards</i>	\$550,100	\$0	\$0	\$0		\$550,100	\$325,504
	Total Design	\$550,100	\$0	\$0	\$0	0%	\$550,100	\$325,504
Construction	<i>Geohazards</i>	\$4,000,000	\$0	\$1,183,591	\$1,183,591		\$5,183,591	\$0
	Total Construction	\$4,000,000	\$0	\$1,183,591	\$1,183,591	30%	\$5,183,591	\$0
	Total Project	\$4,550,100	\$0	\$1,183,591	\$1,183,591	26%	\$5,733,691	\$325,504

Per Policy Directive 703.0, this project is being included in the Budget Supplement as the change is greater than 15% and \$500,000 from the Original Construction Budget.

Region 5

\$7,800,000- Contingency Reserve - US 160 /550 Connection - A new request for more money is critical mitigate settlement and damage to existing infrastructure at the Grandview interchange. The preferred alternative mitigates further settlement by bridging the approaches over what is now understood to be unsettled foundational soils and deep fill material. Said fill materials are believed to be degrading and thus settling. The preferred alternative avoids the continued settlement by founding the highway in the underlying bedrock. A request for \$2.2 million was previously approved last month.

US 550/160 CONNECTION SOUTH DESIGN-BUILD

Budget Components by Phase, Funding Program

Phase of Work	Funding Program	Original Budget	Funding Request				Revised Budget	Expended To-Date
			Previous Adjustments	Current Request	Total Adjustments	Total Adjustment		
Preconstruction	Wall Construction	\$2,200,000	\$0	\$0	\$0		\$2,200,000	\$2,200,000
	RPP	\$599,171	\$0	\$0	\$0		\$599,171	\$203,768
	FASTER Safety	\$1,580,187	\$0	\$0	\$0		\$1,580,187	\$1,580,187
	Total Design	\$4,379,358	\$0	\$0	\$0	0.0%	\$4,379,358	\$3,983,955
Construction	Strategic Projects	\$66,700,000	\$0	\$0	\$0		\$66,700,000	\$41,604,610
	Surface Treatment	\$8,617,270	\$0	\$0	\$0		\$8,617,270	\$8,617,270
	Federal Grant	\$12,312,886	\$0	\$0	\$0		\$12,312,886	\$12,312,886
	FASTER Safety	\$4,802,543	\$0	\$0	\$0		\$4,802,543	\$4,802,543
	Bridge Construction	\$249,000	\$0	\$0	\$0		\$249,000	\$249,000
	RPP	\$7,844,658	\$0	\$0	\$0		\$7,844,658	\$0
	Local Contribution	\$2,000,000	\$0	\$0	\$0		\$2,000,000	\$0
	Contingency Reserve	\$0	\$2,200,000	\$7,800,000	\$10,000,000		\$10,000,000	\$0
	Total Construction	\$102,526,357	\$2,200,000	\$7,800,000	\$10,000,000	9.8%	\$112,526,357	\$67,586,309
	Total Project	\$169,226,357	\$2,200,000	\$7,800,000	\$10,000,000	5.9%	\$179,226,357	\$109,190,919

Per Policy Directive 703.0, requests for Contingency Reserve funds require Transportation Commission approval.

See Attachment A

Information Only

\$5,525,000 - **Maintenance Reserve-Snow and Ice-** Pursuant to PD 703, transfers are approved by the Executive Management Team. A transfer of funds from the Maintenance Reserve Fund was completed in January in order to reimburse maintenance cost centers across the state for snow and ice expenditures in excess of planned amounts, including:

- Greeley - \$1,150,000
- Grand Junction - \$1,300,000
- Durango - \$760,000
- Pueblo - \$570,000
- Aurora - \$40,000
- Craig - \$750,000
- Alamosa - \$325,000
- EJMT - \$630,000

Per Policy Directive 703.0, transfers from the Maintenance Reserve are approved by the Executive Management Team and present as informational to the Transportation Commission in the following meeting.

\$922,414 - **Cost Escalation Fund**- Pursuant to PD 703, transfers are approved by the Executive Management Team. Transfers for the month are listed below:

- *Region 1- 170 Washington Bridge - \$567,414*
- *Region 5- US160 Culvert - \$355,000*
- *Region 4 SH138 - \$1,523,685*
- *Region 1 Alameda Bridge - \$2,200,789*

Per Policy Directive 703.0, transfers from the Cost Escalation Fund are approved by the Executive Management Team and present as informational to the Transportation Commission in the following meeting.

**Transportation Commission Contingency Reserve Fund Reconciliation
Ninth Supplement FY 2023 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-22	<i>Balance 12S21</i>		\$33,005,416	
July-22	<i>Balance 1S23</i>		\$32,405,631	
September-22	<i>Balance 3S23</i>		\$32,135,631	
October-22	<i>Balance 4S23</i>		\$32,135,631	
November-22	<i>Balance 5S23</i>		\$31,681,154	
December-22	<i>Balance 6S23</i>		\$32,012,504	
January-23	<i>Balance 7S23</i>		\$32,012,504	
February-23	<i>Balance 8S23</i>		\$28,587,504	
	<i>Return savings from Spring Creek Fire Mitigation</i>	\$ 554,097		1000312182
	<i>Return of funds from Glenwood Canyon Slides</i>	\$ 3,772,613		1000313275
	<i>US 160 1550 Connection Irrigation Settlement</i>	\$ (7,800,000)		Pending
March-23	<i>Pending Balance 9S23</i>		\$25,114,214	

**Transportation Commission Maintenance Reserve Reconciliation
Ninth Supplement FY 2023 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-22	<i>Balance 12S22</i>		\$6,993,697	
July-22	<i>Balance 1S23</i>		\$12,000,000	
August-22	<i>Balance 2S23</i>		\$12,000,000	
September-22	<i>Balance 3S23</i>		\$12,000,000	
October-22	<i>Balance 4S23</i>		\$12,000,000	
November-22	<i>Balance 5S23</i>		\$12,000,000	
December-22	<i>Balance 6S23</i>		\$12,000,000	
January-23	<i>Balance 7S23</i>		\$12,000,000	
February-23	<i>Balance 8S23</i>		\$10,180,000	
	<i>February Transfer</i>	\$ (5,525,000)		1000313071
March-23	<i>Pending Balance 9S23</i>		\$4,655,000	

**Transportation Commission Program Reserve Fund Reconciliation
Ninth Supplement FY 2023 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-22	<i>Balance 12S22</i>		\$45,008,409	
July-22	<i>Balance 1S23</i>		\$41,622,106	
August-22	<i>Balance 2S23</i>		\$41,752,379	
September-22	<i>Balance 3S23</i>		\$41,752,379	
October-22	<i>Balance 4S23</i>		\$59,812,379	
November-22	<i>Balance 5S23</i>		\$59,812,379	
December-22	<i>Balance 6S23</i>		\$67,326,775	
January-23	<i>Balance 7S23</i>		\$67,945,266	
February-23	<i>Balance 8S23</i>		\$67,945,266	
	<i>Reimbursement of loaned Civil Rights funding per FHWA allocation</i>	\$ 121,461		1000312538
March-23	<i>Pending Balance 9S23</i>		\$68,066,727	

**Cost Escalation Fund Reconciliation
Ninth Supplement FY 2023 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
December-22	<i>Balance 6S23</i>		\$30,000,000	
January-23	<i>Balance 7S23</i>		\$30,000,000	
February-23	<i>Balance 8S23</i>		\$30,000,000	
	<i>R1 - I70 Washington Bridge</i>	(567,414)		1000312802
	<i>R5 - US160 Culvert</i>	(355,000)		1000313290
	<i>R4 - SH138</i>	(1,523,685)		1000313601
	<i>R1 - Alameda Bridge</i>	(2,200,789)		1000313608
March-23	<i>Pending Balance 9S23</i>		\$25,353,112	



FY 2022-2023 Contingency Reserve Fund Balance Projection		
February		
TC Contingency Balance (Emergencies)	\$28,587,504	
<i>Pending Requests:</i>		
Return savings from Spring Creek Fire Mitigation	\$554,097	
Return Savings from I-70 Glenwood Slides	\$3,772,613	
US160/US550 Connection South Design-Build	(\$7,800,000)	
Pending March		
TC Contingency Reserve Balance	\$25,114,242	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
No Pending Outflows	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
I-70 Glenwood Canyon Slides Remaining Repayments	\$0	\$4,500,000
Region 4 Project Savings	\$0	\$4,000,000
Projected FY 2022-2023 YE Contingency Balance	\$25,114,242	\$29,614,242
<i>TCCRF Surplus (Deficit) to Reach \$25M Balance July 1, 2023</i>	<i>\$114,242</i>	<i>\$4,614,242</i>

FY 2022-2023 Program Reserve Fund Balance Projection		
February		
TC Program Reserve Balance	\$67,945,266	
<i>Pending December Requests:</i>		
Return of Civil Rights advancement based on FHWA revenues	\$121,461	
Pending March		
TC Program Reserve Fund Balance	\$68,066,727	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
No Pending Requests	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
No Pending Requests	\$0	\$0
Projected FY 2022-2023 YE Program Reserve Balance	\$68,066,727	\$68,066,727

FY 2022-2023 Cost Escalation Pool	
February	
Cost Escalation Pool Balance	\$30,000,000
<i>Pending Requests:</i>	
Region 1 - I70 Washington Bridge	(\$567,414)
Region 5 - US160 Culvert	(\$355,000)
Region 4 - SH138	(\$1,523,685)
Region 1 - Alameda Bridge	(\$2,200,789)
Pending March	
TC Program Reserve Fund Balance	\$25,353,112

FY 2022-2023 Maintenance Reserve Fund Balance Projection	
February	
TC Maintenance Reserve Balance	\$10,180,000
<i>Pending Requests:</i>	
February EMT Approved	(\$5,525,000)
Pending March	
TC Maintenance Reserve Fund Balance	\$4,655,000





COLORADO
Department of Transportation
Region 5

Office of the Region Transportation Director
3803 N. Main Avenue, Ste. 306
Durango, CO 81301-4034

TO: Transportation Commission
FROM: Julie Constan, PE, Region 5 Transportation Director
DATE: March 6, 2023
SUBJECT: Request for Contingency Reserve for US 160 / 550 Connection Project

Purpose

Region 5 requests the use of \$7,800,000.00 of Transportation Commission Contingency Reserve to address an emergency repair of the northern approaches of the Grandview and Ramp A Bridges serving US550 and US160.

Background

The US550/US160 Connection South Design-Build Project was developed to make the connection to the existing Grandview Interchange of US 160 and US550 completed in 2011. The US550 Grandview Structure as well as the eastbound US160 off-ramp structure experienced excessive settlement of the northern approaches that was mitigated in 2017 by correcting the profile in anticipation of the design-build project. This mitigation was done based upon the understanding that the settlement had subsided, if not concluded, based upon the geotechnical assessment at the time. With the settlement mitigated, the project sought proposals for the Connection Project. The resulting successful proposal committed to reconstruct and realign 4.5 miles of four-lane facility that would connect to the interchange from the south on US550. During the execution of the work, the mitigated Grandview approaches unfortunately continued to settle to a condition where the safe use of the alignment came into question and the realization that a more substantive mitigation would be required. In its current condition, the highway cannot be reopened to traffic. Geotechnical investigation, alternatives analysis, and the design of the preferred alternative was quickly added to the contract through use of the limited contingency budget.

The preferred alternative mitigates further settlement by bridging the approaches over what is now understood to be unsettled foundational soils and deep fill material. Said fill materials are believed to be degrading and thus settling. The preferred alternative avoids the continued settlement by founding the highway in the underlying bedrock. The cost to repair both structure's approaches is \$7.8 million.

Project accounting of this request is shown below.



Request for Contingency Reserve for US 160 / 550 Connection Project
 Page 2 of 2
 March 3, 2023

22420 - US550/160 Connection South Design-Build Change Order 013 - Bridge Approach Mitigation					
Contract Modification			\$ 5,947,314.48		
			Update Project Budget CMO #011	FCDC Settlement Budget Change	
	Current Budget	[Bridge Settlement Mitigation]		[Need / (Decrease)]	
Previous Budget	\$ 109,155,715.50	\$ 109,155,715.50	\$ -		Total Budget Need
TC Budget supplement		\$ 7,800,000.00			
Total Budget	\$ 109,155,715.50	\$ 116,955,715.50			
Pre-Construction Cost	\$ (4,379,358.00)	\$ (4,379,358.00)	\$ -		
Construction Budget (Includes CMO \$)	\$ 104,776,357.50	\$ 112,576,357.50	\$ 7,800,000.00		TC Budget Increase
CSP PO (x 1.12)	\$ (57,709.91)	\$ (57,709.91)	\$ -		
Remaining Construction Budget	\$ 104,718,647.59	\$ 112,518,647.59	\$ 7,800,000.00		TC Budget Increase
CMO budget (Not Encumbered)	\$ (146,242.92)	\$ 160,140.83	\$ 306,383.76		CMO Budget Change with CMO and TC Supplement
Obligated Construction Subtotal	\$ 104,864,890.51	\$ 112,358,506.75	\$ 7,493,616.24		Contract Increase
OCIP (Direct pay to Program)	\$ 873,001.00	\$ 873,001.00	\$ -		
OCIP Indirect Rate	\$ 104,760.12	\$ 104,760.12	\$ -		
Construction Item Cost Subtotal	\$ 103,887,129.39	\$ 111,380,745.63	\$ 7,493,616.24		Construction Item Cost Subtotal Increase
CE / Indirects	\$ 21,437,026.70	\$ 22,983,328.46	\$ 1,546,301.76		CE / Indirects decrease
Contract Value	\$ 82,450,102.69	\$ 88,397,417.17	\$ 5,947,314.48		Contract increase
OJT (not in GMP)	\$ 148,250.00	\$ 148,250.00	\$ -		
Contract Proposal + Changes value	\$ 82,301,852.69	\$ 88,249,167.17	\$ 5,947,314.48		Contract value increase with CMO

Recommendation

Staff recommends allocation of \$7,800,000.00 in Transportation Commission Contingency Reserve to the project.



MEMORANDUM

TO: THE COLORADO TRANSPORTATION COMMISSION
FROM: NICK FARBER, CTIO DIRECTOR
PIPER DARLINGTON, CTIO BUDGET AND SPECIAL PROJECTS MANAGER
SUBJECT: APPROVAL OF THE FISCAL YEAR 2023-24 FEE FOR SERVICE INTRA-AGENCY AGREEMENT
BETWEEN CTIO AND CDOT
DATE: MARCH 16, 2023

Purpose:

To present the Fiscal Year (FY) 2023-24 Fee for Service Intra-Agency Agreement (IAA), including a \$4.0 M payment and the FY 2023-24 Statement of Work (SOW), between the Colorado Transportation Investment Office (CTIO)¹ and the Colorado Department of Transportation (CDOT).

Requested Action:

CTIO staff is seeking Transportation Commission (TC) approval of Proposed Resolution #12 authorizing the IAA, \$4.0 M payment, and proposed SOW between CTIO and CDOT for FY 2023-24.

Background:

In recognition of the specialized nature of the expertise and services CTIO provides to CDOT, CDOT pays CTIO through a Fee for Service IAA. This IAA documents the terms of the overall business relationship between CDOT and CTIO. It includes the annual SOW CDOT wishes CTIO to provide in FY 2023-24, the hours provided by CTIO staff to deliver the work, and the process by which CTIO charges CDOT for the fair market value of the services provided.

Current Details:

For FY 2023-24, the value of services corresponds to the \$4.0 M CTIO fee for service allocation that the Transportation Commission (TC) is asked to approve as part of the annual budget adoption in March. The payment amount for FY 2023-24 has stayed the same over the current FY 2022-23 fee for service payment. In addition to hours that CTIO consultants and subject matter experts will provide, CTIO estimates that internal staff will dedicate 13,056 hours to delivering the tasks outlined in Exhibit A under Attachment A: Fiscal Year 2023-24 Fee for Service Intra-Agency Agreement.

Key Policy Considerations:

- The fee for service model describes the business relationship between CTIO and CDOT. It enables CTIO to recoup the fair market value of its services to CDOT in an exchange transaction.
- The fee for service TABOR enterprise model has been validated by the Colorado Attorney General's Office in a legal opinion discussing the hospital provider fee.

¹ The High-Performance Enterprise (HPTE) remains the name for the Enterprise in all legal, contractual, and legislative documents, but following a rebranding in 2021 HPTE will be referred to as the Colorado Transportation Investment Office in all other documents.

- Documents the necessary contractual obligations between CDOT and CTIO.
- Approval of the IAA will reinforce the mutually beneficial partnership between CDOT and CTIO and fairly compensates CTIO for the value it provides to CDOT.

Options/Decision Matrix:

1. Review and approve the IAA, \$4.0 M payment, and SOW for FY 2023-24. **Staff Recommendation.**
2. Review the IAA, \$4.0 M payment, and SOW, but with instructions to add to the SOW for particular projects or programs. Staff would make the necessary revisions and return with a revised SOW and increased budget supplement at the beginning of the next fiscal year.
3. Review the IAA, \$4.0 M payment, and SOW, but with instructions to eliminate or reduce the SOW for particular projects or programs. Staff would make the necessary revisions and return with a revised SOW and budget at the beginning of the next fiscal year.

Next Steps:

- CTIO budget staff will coordinate with the Office of Financial Management and Budget (OFMB) to ensure that the approved \$4.0 M FY 2023-24 fee for service amount is distributed appropriately and available for use at the beginning of the fiscal year.
- CTIO program staff will provide a mid-year update to the CTIO Board, CDOT, and the Transportation Commission on the progress being made to complete the activities outlined in the approved FY 2023-24 SOW.

Attachment:

Attachment A: Fiscal Year 2023-24 Fee for Service Intra-Agency Agreement

STATE OF COLORADO INTERAGENCY AGREEMENT

COVER PAGE

<p>Paying State Agency Department of Transportation</p>	<p>Agreement Numbers Insert CMS Number or Other Agreement Number Encumbrance Number or Financial System Designation</p>		
<p>Performing State Agency High-Performance Transportation Enterprise (HPTE)</p>	<p>Agreement Performance Beginning Date The Effective Date</p>		
<p>Agreement Maximum Amount Term</p> <p style="text-align: right;">State Fiscal Year 2024 \$4,000,000</p>	<p>Agreement Expiration Date June 30, 2024</p>		
<p>Total for All State Fiscal Years \$4,000,000</p>	<p>Agreement Authority §§43-1-110 and 43-4-806(6)(g) and (h), C.R.S.</p>		
<p>Agreement Purpose The purpose of this Agreement is for CDOT to compensate HPTE for the fair market value of certain services to be provided to CDOT during Fiscal Year 2023-24</p>			
<p>Exhibits and Order of Precedence The following Exhibit(s) and attachment(s) are included with this Agreement:</p> <ol style="list-style-type: none"> 1. Exhibit A – Statement of Work and Budget. <p>In the event of a conflict or inconsistency between this Agreement and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:</p> <ol style="list-style-type: none"> 1. The provisions of the main body of this Agreement. 2. Exhibit A, Statement of Work and Budget. 			
<p>Principal Representatives</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-right: 1px solid black; vertical-align: top;"> <p>For the Paying State Agency: Keith Stefanik, Chief Engineer Colorado Department of Transportation 2829 W. Howard Place Denver, CO 80222 Email: Keith.Stefanik@state.co.us</p> </td> <td style="width: 50%; vertical-align: top;"> <p>For the Performing State Agency: Nicholas Farber, Director HPTE 2829 W. Howard Place Denver, CO 80222 Email: Nicholas.Farber@state.co.us</p> </td> </tr> </table>		<p>For the Paying State Agency: Keith Stefanik, Chief Engineer Colorado Department of Transportation 2829 W. Howard Place Denver, CO 80222 Email: Keith.Stefanik@state.co.us</p>	<p>For the Performing State Agency: Nicholas Farber, Director HPTE 2829 W. Howard Place Denver, CO 80222 Email: Nicholas.Farber@state.co.us</p>
<p>For the Paying State Agency: Keith Stefanik, Chief Engineer Colorado Department of Transportation 2829 W. Howard Place Denver, CO 80222 Email: Keith.Stefanik@state.co.us</p>	<p>For the Performing State Agency: Nicholas Farber, Director HPTE 2829 W. Howard Place Denver, CO 80222 Email: Nicholas.Farber@state.co.us</p>		

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT

Each person signing this Agreement represents and warrants that the signer is duly authorized to execute this Agreement and to bind the Party authorizing such signature.

STATE OF COLORADO Jared S. Polis, Governor	
PERFORMING STATE ENTITY High-Performance Transportation Enterprise	PAYING STATE ENTITY Shoshana M. Lew, Executive Director
_____ By: Nicholas J. Farber, Director	_____ By: Keith Stefanik, P.E., Chief Engineer
Date: _____	Date: _____
In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate.	
STATE CONTROLLER Robert Jaros, CPA, MBA, JD	
By: _____	
Effective Date: _____	

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1. PARTIES

This Interagency Agreement (this “Agreement”) is entered into by and between the Paying Agency, (the “Paying Agency”), and the Performing Agency, (the “Performing Agency”) who are named on the Cover Page of this Agreement. The Paying Agency and the Performing Agency may each individually be referred to as a “Party” and collectively as the “Parties.” Each Party is an agency of the STATE OF COLORADO, hereinafter called the “State.”

2. TERM AND EFFECTIVE DATE

A. Effective Date

This Agreement shall not be valid or enforceable until the Effective Date.

B. Term

The Parties’ respective performances under this Agreement shall commence on the Agreement Performance Beginning Date shown on the Cover Page for this Agreement and shall terminate on the Agreement Expiration Date shown on the Cover Page for this Agreement unless sooner terminated or further extended in accordance with the terms of this Agreement.

C. Termination for Convenience

Either Party may terminate this Agreement for convenience by giving the other Party 90 days prior written notice setting forth the date of termination.

3. STATEMENT OF WORK AND BUDGET

A. Work

The Performing Agency shall complete the Work as described in this Agreement and in accordance with the provisions of Exhibit A. The Paying Agency shall have no liability to compensate the Performing Agency for the delivery of any goods or the performance of any services that are not specifically set forth in this Agreement.

B. Goods and Services

The Performing Agency shall procure goods and services necessary to complete its obligations using Agreement funds and shall not increase the maximum amount payable hereunder by the Paying Agency.

4. PAYMENTS TO THE PERFORMING AGENCY

A. Maximum Amount

Payments to the Performing Agency are limited to the unpaid, obligated balance of the Agreement funds. The Paying Agency shall not pay the Performing Agency any amount under this Agreement that exceeds the Agreement Maximum Amount for that State Fiscal Year shown on the Cover Page for this Agreement.

B. Payment Procedures

- i. The Performing Agency shall initiate payment requests by invoice to the Paying Agency, in a form and manner approved by the Paying Agency. To facilitate Fiscal Year End closing, final invoices for each Fiscal Year should be submitted to the Paying Agency by July 15th of the following Fiscal Year.
- ii. The Paying Agency shall pay each invoice within 30 days following the Paying Agency's receipt of that invoice, so long as the amount invoiced correctly represents work completed by the Performing Agency and previously accepted by the Paying Agency during the term that the invoice covers.

5. RECORDS, MAINTENANCE, AND INSPECTION

A. Maintenance

During the term of this Agreement and for a period terminating upon the later of (i) the six year anniversary of the final payment under this Agreement or (ii) the resolution of any pending Agreement matters (the "Record Retention Period"), each Party shall maintain, and allow inspection and monitoring by the other Party, and any other duly authorized agent of a governmental agency, of a complete file of all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to the work or the delivery of services or goods hereunder.

B. Inspection

The Paying Agency shall have the right to inspect the Performing Agency's performance at all reasonable times and places during the term of this Agreement. The Performing Agency shall permit the Paying Agency, and any other duly authorized agent of a governmental agency having jurisdiction to monitor all activities conducted pursuant to this Agreement, to audit, inspect, examine, excerpt, copy and/or transcribe the Performing Agency's records related to this Agreement during the Record Retention Period to assure compliance with the terms hereof or to evaluate performance hereunder. Monitoring activities controlled by the Paying Agency shall not unduly interfere with the Performing Agency's performance hereunder.

6. CONFIDENTIAL INFORMATION

Each Party shall treat the confidential information of the other Party with the same degree of care and protection it affords to its own confidential information, unless a different standard is set forth in this Agreement. Each Party shall notify the other Party immediately if it receives a request or demand from a third party for records or information of the other Party.

7. DISPUTE RESOLUTION

The failure of a Party to perform its respective obligations in accordance with the provisions of this Agreement is a breach of this Agreement. In the event of disputes concerning performance hereunder or otherwise related to this Agreement, the Parties shall attempt to resolve them at the divisional level. If this fails, disputes shall be referred to senior departmental management staff designated by each Party. If this fails, the executive director of each Party shall meet and attempt resolution. If this fails, the matter shall be submitted in writing by both Parties to the State Controller, whose decision shall be final.

8. NOTICES AND REPRESENTATIVES

Each individual identified as a Principal Representative on the Cover Page for this Agreement shall be the Principal Representative of the designating Party. All notices required or permitted to be given under this Agreement shall be in writing, and shall be delivered **(A)** by hand with receipt required, **(B)** by certified or registered mail to such Party's Principal Representative at the address set forth on the Cover Page or **(C)** as an email with read receipt requested to the Principal Representative at the email address, if any, set forth on the Cover Page for this Agreement. Either Party may change its Principal Representative by notice submitted in accordance with this section without a formal amendment to this Agreement. Unless otherwise provided in this Agreement, notices shall be effective upon delivery of the written notice.

9. GENERAL PROVISIONS

A. Assignment

The Performing Agency's rights and obligations under this Agreement are personal and may not be transferred or assigned without the prior, written consent of the Paying Agency. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of the Performing Agency's rights and obligations approved by the Paying Agency shall be subject to the provisions of this Agreement.

B. Counterparts

This Agreement may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

C. Digital Signatures

If any signatory signs this Agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Agreement by reference.

D. Third Party Beneficiaries

Except for the Parties' respective successors and assigns, this Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement, and do not create any rights for such third parties.

EXHIBIT A, STATEMENT OF WORK AND BUDGET

1. Background

- A. CDOT is an agency of the State of Colorado authorized pursuant to § 43-1-105, C.R.S. to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local and other state agencies.
- B. Pursuant to § 43-1-110, C.R.S., the executive director of CDOT is authorized to execute certain agreements on behalf of CDOT.
- C. HPTE was created pursuant to § 43-4-806(2), C.R.S. and operates as a government-owned business within CDOT.
- D. Pursuant to § 43-4-806(6)(g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership, including, but not limited to, an agreement in which the Enterprise, on behalf of CDOT, provides services in connection with a surface transportation infrastructure project.
- E. HPTE is further empowered, pursuant to § 43-4-806(6)(h), C.R.S., to make and enter into all other contracts and agreements, including intergovernmental agreements under § 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties.
- F. The business purpose of HPTE, as provided for in § 43-4-806(2)(c), C.R.S. is to pursue public- private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects, which HPTE may agree to complete for CDOT under agreements entered into with the Department in accordance with § 43-4-806(6)(f), C.R.S.
- G. On September 30, 2013 and as amended and restated on January 20, 2021 CDOT and HPTE entered into a Memorandum of Understanding, which set forth each Party's operating roles and responsibilities as they relate to their respective missions and provided, in relevant part, that HPTE is to be reimbursed by CDOT for personal goods or services procured by HPTE.
- H. CDOT acknowledges that HPTE possesses expertise and legal powers unavailable to CDOT, which enable it to accelerate the development and delivery of critical surface transportation infrastructure projects; and
- I. CDOT and HPTE previously entered into Fee for Service Intra-Agency Agreements, in Fiscal Years 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22 and 2022-23 in which CDOT agreed to compensate HPTE for the fair market value of certain services to be provided to CDOT during those fiscal years.
- J. The Parties agree and acknowledge that the Services to be provided by HPTE to CDOT (as such term was defined in the FY 2016-17 Agreement and subsequently modified by mutual agreement of the Parties over the course of the fiscal year) are anticipated to be provided in their entirety prior to the conclusion of the fiscal year, with such satisfactory completion to be documented in the final progress report to be submitted no later than July 15, 2024.
- K. HPTE has prepared a new statement of work describing the Services CDOT has requested HPTE to provide CDOT during the 2023-24 fiscal year in this Exhibit A.
- L. In order to further the efficient completion of surface transportation infrastructure projects necessary to CDOT's development of an integrated transportation system, CDOT desires that

HPTE utilize its expertise and legal powers to provide the Services, in exchange for which CDOT agrees to compensate HPTE in the amounts set forth in the Statement of Work.

- M. HPTE shall continue to be an enterprise for purposes of Section 20 of Article X of the Colorado Constitution ("TABOR"), so long as it receives less than ten percent (10%) of its total revenues in grants from all Colorado state and local governments combined.
- N. Pursuant to §§ 24-77-102(7)(b) and 43-4-803(13)(b), C.R.S., grants do not include revenues or income derived from any authorized rate, fee, assessment, or other charge imposed by an enterprise for the provision of goods or services by such enterprise.
- O. On March 11, 1997, in Opinion No. 97-01, the Colorado Attorney General also concluded, inter alia, that a designated enterprise may continue to qualify as an enterprise under TABOR, even though it receives a direct appropriation of monies, so long as the appropriation constitutes revenues resulting from the provision of goods or services pursuant to § 24-77-102(7)(b)(II), C.R.S.
- P. Citing Nicholl v. E-470 Public Highway Authority, 896 P.2d 859 (Colo. 1995), the Colorado Attorney General further noted that the very concept of an enterprise under TABOR envisions an entity that is owned by a government institution, but is financially distinct from it, and also, that the financial affairs of the enterprise must be those of a self-supporting business-like activity that provides goods and services for a fee.
- Q. On February 29, 2016, in Opinion 16-01, the Colorado Attorney General also concluded, inter alia, that an enterprise must charge a fee in exchange for a government service, and a fee for service arrangement - broadly construed - is nearly synonymous with enterprise status;
- R. HPTE engaged Stifel, Nicolaus & Company, Incorporated to prepare an analysis of the market value of the services HPTE could provide to CDOT, based on a review of costs incurred by comparable agencies for similar services (the "Stifel Report");
- S. The Stifel Report concluded that HPTE provides the necessary benefit to CDOT for CDOT to support compensation for the Services as contemplated in this Agreement;
- T. Based on the findings of the Stifel Report and their own examinations of the benefit CDOT receives for HPTE's services, the Parties find and agree that the amounts CDOT intends to compensate HPTE for fiscal year 2023-24, as set forth in the Statement of Work, are reasonable and represent the fair market value of the specific Services to be provided; and
- U. CDOT and HPTE each hereby affirm that, consistent with Colorado law, moneys paid by CDOT to HPTE under this Agreement are not grants of money from CDOT to HPTE, but rather, payment for the Services to be provided by HPTE to CDOT as more particularly set forth in the Statement of Work.

2. Responsibilities

- A. HPTE shall provide the Services set forth in this Exhibit A over a one-year period, commencing on July 1, 2023, and ending on June 30, 2024, which comprises the 2023-24 fiscal year.
- B. No later than January 15th and July 15th of the fiscal year, HPTE shall submit to CDOT a progress report. The progress report is to include a narrative summary of HPTE's activities during the previous six months, as well as a detailed report on the progress being made in the performance of the Services. The submissions of the semi-annual reports will be used by

HPTE and CDOT to recognize revenue and expenses, respectively, and are to be tied to the specific tasks, and categories of work within each task, described in the Statement of Work.

- C. The Parties may agree to modify the specific tasks set forth in the Statement of Work to be undertaken by HPTE during the term of this Agreement, provided that such modifications do not result in an increase or decrease in the overall estimated value of the Services to be provided under this Agreement. Any such modifications shall be specifically identified, and their estimated values reconciled, in the progress report submitted by HPTE on July 15th following the close of the prior fiscal year. Any modifications to the Statement of Work resulting in an increase or decrease in the overall estimated value of the Services shall not be undertaken unless agreed to in writing by the Parties in an amendment to this Agreement.

3. Payment Process

- A. HPTE intends to record the full Agreement Funds as unearned revenue and recognize revenue on a pro-rata basis as Services are performed during the course of the fiscal year. HPTE will conduct a “true-up” of balances at both mid-year and at the end of the fiscal year, to coincide with the Services actually provided, in conjunction with the preparation and submittal of the progress reports described in Section 2.
- B. The Services to be provided, and the Agreement Funds therefor, are for the full fiscal-year covered by this Agreement, as may be amended from time to time. Milestone deadlines contained in the Statement of Work are for informational and work progress tracking purposes only and are not binding on HPTE. Services provided by HPTE within the fiscal year shall be compensated as part of the Agreement Funds provided for herein. No deductions shall be made for Services completed outside the timeframes set forth in the Statement of Work, provided such Services are completed within the current fiscal year.
- C. Any Services not completed within the term of this Agreement shall be reflected in the progress report submitted by HPTE on July 15th following the close of the prior fiscal year. In the event the value of the Services actually completed during the fiscal year is less than was estimated in the Statement of Work, HPTE may be required to reimburse CDOT for the value of Services not completed. The value of the uncompleted portion of the Services, if any, shall reflect the fair market value of the same, and shall be mutually agreed upon and set forth in writing by the Parties in an amendment to this Agreement.

4. Renewal

- A. It is expressly contemplated that the Parties intend to extend this Agreement for additional one-year terms for services to be provided by HPTE to CDOT in future fiscal years. Such extensions shall be documented by formal written amendment and shall include an updated scope of the services to be provided in the subsequent fiscal years.
- B. HPTE agrees to provide CDOT a proposed draft scope of services for the following fiscal year no later than November 2023.
- C. If the scope of services and payment amount for the following fiscal year are deemed acceptable by CDOT, the same shall be set forth in a written amendment executed and approved by the Parties.
- D. If during its budget approval process for the following fiscal year, the Transportation Commission allocates funds for HPTE in the full amount included in the proposed scope of services submitted by HPTE, such proposed scope of services shall be deemed approved by

CDOT, notwithstanding any failure of the Parties to execute a written amendment prior to the July 1 start of the subsequent fiscal year. The Parties shall thereafter execute a written amendment for such subsequent fiscal year, the terms and conditions of which shall not be inconsistent with the budget action taken by the Transportation Commission.

- E. If the scope of services and payment amount to be provided by HPTE are approved by CDOT as provided for in this Section, CDOT agrees that it shall pay HPTE the agreed upon payment amount for the following fiscal year on July 1, which date represents the first day of the fiscal year in which the proposed services are anticipated to be provided.
- F. If the Parties are unable to agree upon a scope of services and payment amount for the following fiscal year prior to June 30 of any year, this Agreement shall terminate and be of no further force and effect for the subsequent fiscal year.

5. Consideration; Exchange Transaction

The Parties acknowledge that the mutual promise and covenants contained herein, and other good and valuable consideration, are sufficient and adequate to support this Agreement. The Parties further acknowledge that, for accounting purposes, this Agreement represents an exchange transaction for CDOT's purchase of specific services provided by HPTE at the market value of such services.

6. Statement of Work

6.1 Organizational Overview

To accelerate the development and delivery of critical transportation infrastructure projects through the use of innovative financing, the Colorado Department of Transportation (CDOT) utilizes the expertise and legal power of the High-Performance Transportation Enterprise (HPTE). In 2009, the HPTE was created under 43-4-806 C.R.S., known as FASTER, in order to accelerate critical surface transportation infrastructure projects throughout the state. To achieve this objective, HPTE was given the power to enter into public-private partnerships, impose user fees on surface transportation projects, issue revenue bonds, and enter into private commercial loan agreements. HPTE is also the Colorado tolling entity (the successor to the Colorado Tolling Enterprise), managing Colorado's network of tolled Express Lanes. By law, HPTE is required to "aggressively" pursue innovative finance solutions to improve Colorado's surface transportation infrastructure. Due to Taxpayer Bill of Rights (TABOR) restrictions, CDOT cannot exercise these powers. Although a division of CDOT, HPTE is an independent, government-owned business and TABOR enterprise, which exempts it from certain TABOR restrictions. The powers given to the HPTE through statute provide a direct benefit to CDOT and the traveling public by accelerating surface transportation infrastructure projects that ordinarily would not be undertaken due to a constrained fiscal environment. By contracting with HPTE to perform certain services, CDOT can deliver projects in key corridors around the state that, when completed, will increase transportation options, may promote carpooling, expand capacity, and assist with traffic demand management.

6.2 Fiscal Year Services to be Provided.

For the 2023-24 fiscal year, CDOT has tasked HPTE to oversee work in five core areas:

- 1) Implement and provide oversight of Managed Lane corridors.
- 2) Use its statutory authority to manage current public-private partnerships (P3) and explore other future surface transportation-related P3 opportunities.
- 3) Serve as a think tank for CDOT by exploring the possibility of using innovative finance to accelerate other needed projects and deliver maximum project scope.
- 4) Manage public outreach and communications work for all Managed Lane corridors.
- 5) Represent the Department (defined as all divisions and entities under the Department of Transportation, including the Enterprises) at industry events such as conferences to promote the Colorado P3 market and attract interest and investment in future surface transportation projects that will benefit the statewide transportation system.

6.2.1 Implementation and Oversight of Managed Lane Corridors

CDOT has tasked HPTE with providing congestion management strategies in critical corridors in the Denver metro area. HPTE will implement congestion management for CDOT through the construction of Managed Lane corridors, which for the purposes of this Statement of Work (SOW) are defined as sections of the interstate and state highway system that have both tolled Express Lanes and General Purpose (GP) lanes operating side by side. To accomplish this, HPTE will:

- Provide in-house expertise to CDOT through its Chief Tolling Officer, Major Projects Manager and outside industry expertise on the North I-25 North Johnstown to Fort Collins Managed Lane construction project. Oversight provided by HPTE is critical for coordination with construction contractors to meet CDOT project schedule milestones and to prevent damages charged to CDOT by the contractor for not meeting tolling equipment installation deadlines. These activities will require close and ongoing coordination with the FHWA, E-470 Public Highway Authority, HPTE's tolling equipment contractor (ETC), and CDOT regional staff including traffic safety, incident management, and maintenance.

6.2.2 Public-Private Partnership (P3): Oversight and Contract Management

As the P3 authority and contracting entity within the Department, HPTE will continue to provide necessary corridor development work, including general advising for ongoing and future P3 projects and on-call P3 financial advising as needed. HPTE will also provide oversight and management of the P3 agreements for the US36 and Central 70 Project. To accomplish this, HPTE will:

- Oversee a contract compliance and monitoring framework for the operating period of the Central 70 Project Agreement. This will include tracking tools to monitor routine maintenance, snow and ice removal, and capital renewal and replacement (OMR) work provided for the entire corridor, including general purpose and Express Lanes. Independent monitoring ensures that the contractor is achieving levels of service established under the contract and that non-compliance points are assessed accurately if they are not met. This will ensure that CDOT is accurately paying for OMR expenses.

- Work with Region 1 staff and the CDOT budget team to review a budget and advise on calculations for routine maintenance, snow, and ice removal costs by September 2023 for the general-purpose lanes as required by the U.S. 36 CDOT/HPTE IAA.
- Provide in-house expertise through its Major Projects Manager and support CDOT with any operational, service, or contractual issues or questions that arise in or relate to the General-Purpose lanes on the corridor.
- Ensure document control on large projects by providing specialized document management services through Aconex.

6.2.3 Innovative Financing

On Managed Lane corridor projects where HPTE will secure financing to accelerate project delivery, CDOT has tasked HPTE to serve as its financial manager. To accomplish this, HPTE will:

- Utilize its abilities to issue debt and engage financial advisory consultants to determine the borrowing capacity of HPTE to assist CDOT with funding shortfalls on I-270, and other Managed Lanes corridor projects on the CDOT 10-Year Plan. HPTE will also coordinate with the CDOT region staff on the NEPA and 30 percent design projects on these corridors.

6.2.4 Project Development

HPTE will continue to serve as a think-tank within the Department, exploring big-picture ideas for innovative projects, general advising on P3 opportunities, and any other areas of work that may fall under HPTE's statutory purview that arise throughout the performance period for this scope of work. To accomplish this, HPTE will:

- Coordinate closely with CDOT on the procurement process for a new tolling back-office provider. Selecting a tolling back-office provider will be critical for ensuring HPTE can provide optimal congestion management across all Managed Lane corridors, provide flexibility to implement changes resulting from policy decisions or new legislation that affects CDOT and HPTE as well as meet construction deadlines on all future Managed Lanes projects eliminating potential fines due to construction delays. HPTE will work closely with CDOT to ensure that the system selected can address high priority areas for CDOT including: payment channels for transit services, parking and electric vehicle charging. Both parties will execute an intra-agency agreement that more clearly spells out each party's roles and responsibilities as the procurement gets closer to contract execution.
- Partner with CDOT, Colorado Bridge and Tunnel Enterprise, the City and County of Denver, Broncos Stadium District, and West Colfax Business District to explore the redevelopment of the Federal and Colfax intersection. In FY 2021-22 the City and County of Denver completed its Interchange Transformation Study, and in FY 2023-24 HPTE will begin exploring how it could receive fair market value for the land while transferring its asset ownership responsibility through a partnership with a private entity.

6.2.5 Public Outreach and Communications

CDOT has tasked HPTE with overseeing all communications to ensure comprehensive public outreach and education for Managed Lane corridors opening, Public-Private Partnerships (P3) projects including U.S. 36 and Central 70, and to comply with the U.S.36 Legislative Audit. Key tasks will include:

- Conduct public meetings and stakeholder outreach as required by the Transparency Policy
- Maintain current and updated information on project websites regarding project status and public participation activities and events.
- Coordinate with the CDOT Public Information Office on updating transponder and HOV policy, motorcycle transponder policy, tolling policy and HOV carpooling technology.
- Conduct P3 training for internal staff and for stakeholders.

6.2.6 Out of State Travel

Travel to conferences, trainings, and project-related meetings to comply with the training requirement from the U.S. 36 Legislative Audit and to promote HPTE's projects to the infrastructure finance industry. If the travel is related more to the work surrounding the operations and maintenance of HPTE's tolling infrastructure, toll revenue will be used instead of fee-for-service revenue.

7. Terms and Conditions

7.1 Statement of Work Duration

This Statement of Work documents the duties and tasks that CDOT directs the HPTE to manage, oversee, and implement for Fiscal Year 2023-24. This Statement of Work outlines services that will be provided by HPTE over a one- year period that will commence on July 1, 2023 and end on June 30, 2024.

7.2 Payment for Services

Associated costs for specific areas of work are outlined below. In exchange for completing the tasks outlined under this Statement of Work, CDOT will compensate HPTE with an upfront payment for its services.

7.3 Progress Reporting

On the 15th of January and July of each fiscal year, HPTE will submit a progress report that includes a summary of its activities for the previous six months as well as a status report on the progress being made to accomplish the tasks outlined in this Statement of Work. The submission of the semi-annual reports will be used by HPTE and CDOT to recognize revenue and expenses, respectively.

8. Estimate of Hours Dedicated to Fiscal Year 2023-24 Statement of Work Activities:

HPTE Staff Position	Hours per Week	Total Monthly Hours	Total Annual Hours
HPTE Director	40	160	1920
Head Project Manager	40	160	1920
Major Projects Manager	24	96	1152
Chief Tolling Officer	40	160	1920
Tolling Maintenance Supervisor	8	32	384
Tolling Operations Supervisor	20	80	960
HPTE Liaison	40	160	1920
Program Assistant	30	120	1440
Administrative Assistant	30	120	1440
Total	272	1,088	13,056

Total Fee for FY 2023-24 for Scope of Work activities: \$4,000,000



DATE: March 16, 2023
TO: Transportation Commission
FROM: Marissa Gaughan, Multimodal Planning Branch Manager
Annelies Van Vonno, Bicycle and Pedestrian Coordinator
SUBJECT: Safe Routes to School (SRTS) Fiscal Year 2023 and Fiscal Year 2024 Projects

Purpose

This memo summarizes information about the list of Safe Routes to School (SRTS) projects recommended for funding for Fiscal Years 2023 (FY 23) and 2024 (FY 24).

Action Requested

Pursuant to 43-1-1604 C.R.S., which states that the Commission shall award grants under the Safe Routes to School program, CDOT staff is seeking TC approval for the FY 2023 and FY 2024 SRTS projects as recommended by the nine-member SRTS Advisory Committee established in state statute, and the Statewide Transportation Advisory Committee.

Background

\$5,580,539.67 in funds were made available for Safe Routes to School projects in FY 23 and 24. Requests for applications were announced in August 2022 and were due on November 4, 2022. Thirteen applications were submitted with a total request for funding of \$5,671,486.74. In order to qualify for these funds, applicants must be a political subdivision of the state. These funds must be used to benefit elementary and middle school children in grades K - 8th and projects must be within a two-mile radius of the identified school.

The Advisory Committee met in January 2023 for project selection. The Committee recommended seven projects for funding, totaling \$3,301,395.15. Projects normally require a 20% cash match; however, projects that meet certain eligibility requirements will receive 100% of the project costs from CDOT. Eligible for 100% match are projects that meet the criteria established in the Multimodal Transportation Options Fund (MMOF) matrix. Two projects recommended for 100% funding are: Town of Cortez (Infrastructure) and City of Pueblo (Infrastructure). The remaining five projects will contribute 20% of the project total. Attachment A shows the project list with the seven recommended projects highlighted: Five infrastructure and two non-infrastructure. Six projects were not recommended for funding due to a variety of reasons including requests for funding outside of SRTS project scope or deemed a continuation project, inadequate information or missing key components of the application.

Select Project Highlights

While projects have been recommended for funding in various CDOT Regions, below are a few highlighted projects throughout Colorado:

The City of Pueblo (Infrastructure) has taken city traffic data and parent feedback into careful consideration in developing plans to create safe, accessible routes for students to walk and bike to Risley Middle School and Park View Elementary School. The widely supported project will open safe routes to the two schools by improving the Monument Corridor.

The City of Cortez (Infrastructure) will be upgrading and installing sidewalks and bike lanes for K-8 grade student's use to and from two RE-1 District schools. This project will connect multiple sites while building a SRTS coalition.

Boulder County Transportation (Non Infrastructure) is taking a multi-generational approach to increasing the number of students bicycling to school. Rather than strictly youth-focused programming, this project will provide opportunities for safe bicycling education, access, and practice for all ages across the Lafayette Elementary School community.

Next Steps

Upon approval of the Transportation Commission, CDOT will proceed with notifying grantees, program the projects into the Statewide Transportation Improvement Program (STIP), and initiate the procurement process.

Attachments

- Attachment A: FY 23 and FY 24 SRTS Project List
- Attachment B: SRTS Advisory Committee Members
- Draft TC Resolution

Attachment A: FY 23 and FY 24 SRTS Projects List
 March 16, 2023

INFRASTRUCTURE Projects

Applicant	Project Title	Fund (Y/N)	Total Project Cost	Amount of SRTS Funding	20% Cash Match	Region	MPO / TPR	Total Score	
City of Fort Collins	Improved Bike-Ped Crossings for Zach Elementary School	Y	\$ 931,984	\$ 745,587	\$ 186,397	4	MPO	605	Recommended for Funding
Ricardo Flores Magon Academy	Lowell Blvd and 54th Ave Crossing Improvements	Y	\$ 150,010	\$ 120,008	\$ 30,002	1	MPO	604	
City of Boulder	Safe Routes for the Manhattan Middle School Community	Y	\$ 884,028	\$ 707,222	\$ 176,806	4	MPO	494	
City of Pueblo	Walk and Roll Safely	Y	\$ 482,977	\$ 482,977	NA	2	MPO	583	
City of Cortez	Safe Routes Cortez	Y	\$ 810,978	\$ 750,000	NA	5	TPR	582	
Town of Columbine Valley	Wilder Walk and Bike Way	N	\$ 426,400	\$ 341,120	\$ 85,280	1	MPO	442	Not Funded
Town of Milliken	Milliken Middle School Connectivity Project	N	\$ 763,049	\$ 610,439	\$ 152,610	4	MPO	464	
TOTAL RECOMMENDED FOR INFRASTRUCTURE FUNDING				\$ 2,805,795					

NON-INFRASTRUCTURE Projects

Applicant	Project Type	Fund (Y/N)	Total Project Cost	SRTS Funding	20% Cash Match	Region	MPO / TPR	Total Score	
Boulder County Transportation	Increase Multi-Generation Bicycle Access and Education	Y	\$ 125,000	\$ 100,000	\$ 25,000	1	MPO	470	Recommended for Funding
City and County of Denver	Denver Safe Routes to School (SRTS) 6 E's Action Plan Implementation Program	Y	\$ 749,400	\$ 395,600	\$ 98,900	1	MPO	521	
City of Englewood	Safe Routes to Clayton Elementary School through Community Engagement and Awareness	N	\$ 19,150	\$ 15,320	\$ 3,830	1	MPO	436	Not Funded
TOTAL RECOMMENDED FOR NON-INFRASTRUCTURE FUNDING				\$ 495,600					

TOTAL RECOMMENDED FOR NON-INFRASTRUCTURE FUNDING	\$ 495,600
TOTAL RECOMMENDED FOR INFRASTRUCTURE FUNDING	\$ 2,805,795
TOTAL RECOMMENDED FOR ALL CDOT SRTS FUNDING	\$ 3,301,395
REMAINING FUNDS	\$ 2,279,145

ATTACHMENT B - SRTS Advisory Committee Members

Name	Representing	Agency	Title
Maureen Bailey	Parent	RMC Health	Lead Professional Learning Facilitator & Senior Data and Evaluation Analyst
Rachel Peterson	MPO	Grand Valley MPO/TPR Mesa County Regional Transportation Planning Office	Transportation Planner
Gene Glover	TPR	Rio Grande County	Commissioner
Peter McNutt	Pedestrian	NA	Community Bike/Ped Advocate
Emily Kleinfelter	MPO	DRCOG	Safety/Regional Vision Zero Planner
OPEN	Law Enforcement		
Heather Sloop	TPR	Northwest TPR	Steamboat Springs City Council Woman
Cate Townley	Bicycle	CDPHE	Senior Built Environment Specialist
Elise Waln	Educator	Boulder County Public Health	Health Planning & Evaluation Manager Strategic Initiatives Branch

Colorado Bridge and Tunnel Enterprise Board
Meeting Minutes
February 16, 2023

PRESENT: Yessica Holguin, District 1
 Don Stanton, District 2
 Eula Adams, District 3
 Karen Stuart, Chair, District 4
 Kathleen Bracke, District 5
 Barbara Vasquez, District 6
 Kathy Hall, Vice Chair, District 7
 Mark Garcia, District 8
 Lisa Hickey, District 9
 Terry Hart, District 10
 Gary Beedy, District 11

AND: Staff members, organization representatives, and broadcast publicly

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

In February, the Bridge and Tunnel Enterprise Board of Directors approved:

- Regular Meeting Minutes of December 14, 2022
- 6th Budget Supplement
- The Bridge and Tunnel Enterprise Funding Match for the FY2023 RAISE Grant Opportunity



MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: MARCH 16, 2023
SUBJECT: SEVENTH SUPPLEMENT TO THE FISCAL YEAR 2022-23 BRIDGE AND TUNNEL ENTERPRISE BUDGET

Purpose

This month the Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve a budget supplement request from Region 4 to establish the construction phase budget for Eastern Plains Timber Bridge Project Construction Package (CP) #3, to replace the bridge on SH61 over Surveyor Creek (D-25-E) north of the town of Otis.

Action

Staff is requesting Board approval of Proposed Resolution #BTE-2, the seventh budget supplement to the Fiscal Year (FY) 2022-23 BTE budget.

Background

Staff is requesting \$5,227,100 to establish the construction phase budget for CP# 3 of the Eastern Plains Timber Bridge Project. CP# 3 contains one BTE-eligible bridge and has recently completed design to the 95% design level. The larger project consists of four total packages and is being delivered by the Construction Manager/General Contractor (CM/GC) method. It is anticipated that CP# 3 will start construction in June 2023.

D-25-E is a 71-year-old timber girder structure with a concrete deck and an asphalt overlay. The bridge is at the end of its useful service life, is currently rated in poor condition and is in the top tier of the January 2023 BTE Bridge Prioritization Plan. Though this bridge accommodates less than 1,000 vehicles per day, it is crucial to the regional community and interstate commerce. It provides a distance savings of nearly one hundred miles to vehicles looking to connect between two key freight corridors, I-76 and US 34.

The completion of CP# 1 is pending final documentation review, the construction of CP# 2 started in October 2022, and the construction-agreed-price (CAP) negotiations for CP# 4 are expected to take place by the fall of 2023. The table below shows the seven BTE-eligible structures that are included in the Eastern Plains Timber Bridge Project.



<u>Structure ID</u>	<u>Description</u>	<u>CP#</u>	<u>Deck Area (sq. ft.)</u>	<u>Year Built</u>
F-19-E	US 36 ML over DRAW	1	2,541	1931
F-20-J	US 40 ML over DRAW	1	1,798	1931
F-20-L	I 70 SERVICE RD over DRAW SR	1	1,206	1931
C-22-K	US 6 ML over UPRR; PLATTE; BEAVER CANAL	2	1,501	1932
D-24-0	US 34 ML over DRAW	2	1,130	1952
D-25-E*	SH 61 ML over SURVEYOR CREEK	3	2,368	1952
D-28-D	US 34 ML over REPUBLICAN RIVER	4	3,509	1949

*The structure in bold is the only structure this supplement is requesting to fund.

Eastern Plains CP 3- SH 61 over Surveyor Creek, Washington County
(Old D-25-E) (New D-25-EA) (SAP Project # 25447)
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 2023	FY 2024	FY 2025			
Construction	<i>FASTER Bridge Funds</i>	\$ -	\$ 5,227,100	\$ -	\$ -	\$ 5,227,100	\$ 5,227,100	\$ -
	Total Construction	\$ -	\$ 5,227,100	\$ -	\$ -	\$ 5,227,100	\$ 5,227,100	\$ -
Total Project Budget & Expenditure		\$ -	\$ 5,227,100	\$ -	\$ -	\$ 5,227,100	\$ 5,227,100	\$ -
			Year of Expenditure			Total Request		
			FY 2023	FY 2024	FY 2025			
			\$ 1,700,000	\$ 3,527,100	\$ -	\$ 5,227,100		

Next Steps

Approval of this Budget Supplement and Proposed Resolution #BTE-2 will provide the necessary budget to establish the construction phase for the replacement of structure D-25-E and allow CP #3 to proceed to CAP negotiations.





MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
PATRICK HOLINDA, BRIDGE AND TUNNEL ENTERPRISE MANAGER
DATE: MARCH 16, 2023
SUBJECT: BRIDGE AND TUNNEL ENTERPRISE FISCAL YEAR 2023-24 FINAL ANNUAL BUDGET ALLOCATION PLAN

Purpose:

This month the Bridge and Tunnel Enterprise Board of Directors (Board) is being presented with a Statewide Bridge and Tunnel Enterprise (BTE) Fiscal Year (FY) 2023-24 Final Annual Budget Allocation Plan for Special Revenue Fund (C.R.S 43-4-805(3)(a) 538) (Fund 538) for approval.

Action:

The Board is being asked to approve the FY 2023-24 Final Annual Budget Allocation Plan.

Background:

Last month, in coordination with the Office of Financial Management and Budget (OFMB), BTE staff presented a Proposed FY 2023-24 Final Annual Budget Allocation Plan for review and comment. No edits were requested by the Board, so staff requests the Board approves the FY 2023-24 Final Budget Allocation Plan for the Statewide Bridge and Tunnel Enterprise.

Details:

Estimated total Bridge and Tunnel Enterprises revenues for FY 2023-24 are \$152.9 million. This includes \$109.0 million from the FASTER Bridge Safety Surcharge and \$27.3 million from the Bridge and Tunnel Impact Fee and Retail Delivery Fee authorized by the passage of Senate Bill (SB) 21-260 Sustainability of the Transportation System. Additionally, BTE is forecasting approximately \$5.1 million will be received for the US Treasury Subsidy for the Build America Bonds (subsidy). To account for the potential risk that the subsidy is lost or reduced due to sequestration in the next fiscal year, the Enterprise will be closely tracking federal legislation related to the subsidy and managing project budget allocations accordingly. With the addition of the subsidy, the Federal Funds share of debt service for the Series 2010A bonds has been decreased proportionally in accordance with the Memorandum of Understanding between the Federal Highway Administration and Colorado Department of Transportation Accounting for Colorado Bridge Enterprise Program Build America Bonds (BABs) Debt Service Reimbursements executed on 12/16/2010.

Staff also reviewed the budget allocations and have increased line 13, BTE Staff Compensation, by \$22,047 to account for the proposed 5% across-the-board salary increase per the COWINs partnership agreement and other internal staffing updates. Adjustments to the BTE construction program budget have been made to align budget allocations with forecasted revenues. Staff increased line 41 by \$1,097,594 so all available funds can be allocated to the program's construction program.



Overall projected revenues have been allocated to the following budget categories in the final FY 2023-24 Final Annual Budget Allocation Plan for Fund 538:

- *Line 21: \$1,781,047 for Administrative & Operating Activities.* Funding in the category is used for expenses related to staff compensation, program support, and financing programs. The proposed budget reflects a shift from external consultant support to full-time employees as the program has brought on more internal staff to support the program. Staff is currently working to refine the level of consultant staffing needed to support the continued integration of tunnels into BTE, the development and implementation of enhancements to BTE’s asset management program, and other ongoing program management activities.
- *Line 25: \$48,000 for Support Services.* Support services funding allows BTE to provide supplemental staffing or services on an as-needed or short-term basis thereby enabling BTE-eligible projects and the BTE program to meet required schedules. An example of an activity performed under this category is scoping work, which is the process of evaluating BTE-eligible structures to establish a scope of work for an upcoming project, developing an initial cost estimate, identifying potential project risks, and recommending a course of action to streamline project delivery and maximize return on investment. Most recently, this funding was used to support CDOT with the development of a grant application for the I-270 Critical Bridges project on an accelerated timeline.
- *Line 29: \$825,000 for Maintenance.* BTE is responsible for reimbursing CDOT for routine maintenance performed to BTE-owned bridges on its behalf in accordance with the Maintenance Agreement that was executed between the legacy Bridge Enterprise (BE) program and CDOT. Major activities include snow removal, sweeping and trash removal. The FY 2023-24 budget allocation has been determined using factors such as the age and level of maintenance required for the existing population of BTE bridges and the structures that are forecasted to be transferred from CDOT to BTE.
- *Line 33: \$0 for Bridge Preservation.* In FY 2012-13, a Pilot Preservation Agreement (Agreement) was executed between the legacy Bridge Enterprise (BE) program and CDOT to initiate a Pilot Bridge Preservation Program. Per the Agreement, BE would be budgeting \$100,000 for exploring preservation techniques on BE bridges. Currently, BTE has a prior year bridge preservation budget balance available to use and will not be allocating any additional funding in FY 2023-24. In past years, BTE has used these funds to participate in various efforts with CDOT including:
 - A parolee preventative maintenance program with CDOT maintenance;
 - A study of Floyd Hill, (structure F-15-BL) with CDOT Staff Bridge Branch, including purchasing sensors and monitoring equipment to obtain data regarding bridge stability in order to determine if there is any action required to keep the existing structure in service; and
 - A pilot project with Staff Bridge Branch to develop a new split timber stringer repair specification with the goals of: evaluating the potential of the repair specification to meet BTE goals for structure rehabilitations, reducing future maintenance costs by eliminating emergency repairs due to progressive failure, and increasing the load carrying capacity of the existing structures to remove load restrictions on key freight corridors throughout the state.
- *Line 38: \$48,653,354 for Debt Service and Availability Payments.* Funding in this category includes payments for the Series 2019A refunded bonds, the Series 2010A bond issuance, and the BTE share of the Central 70 availability payment for FY 2023-24.
- *Line 42: \$101,666,625 for the Bridge and Tunnel Enterprise Construction Program.* This funding will be used to program projects based on the BTE Four-Year Plan and Statewide Transportation



Improvement Plan (STIP). Requests to allocate this funding to individual BTE projects will be brought before the Board via the monthly budget supplement process.

Options and Recommendations:

1. Approve Proposed Resolution #BTE3: Bridge and Tunnel Enterprise FY2023-24 Final Annual Budget Allocation Plan - **Staff Recommendation.**
2. Request additional information or changes to specific line items.
3. Do not approve.

Next Steps:

- BTE budget staff will coordinate with OFMB to ensure that approved budget amounts are available on July 1st, 2023 per this approved allocation plan.
- Enterprise budget and accounting staff will provide the Board with a year-end report for FY 2022-23 in the Fall of 2023 following the close of the fiscal year.
- Any requests for FY 2023-24 funding for individual BTE projects will be brought to the Board via the monthly budget supplement process.

Attachment:

Attachment A: Bridge and Tunnel Enterprise FY 2023-24 Final Annual Budget Allocation Plan



Attachment A:

Bridge and Tunnel Enterprise Fiscal Year 2023-24 Final Annual Budget Allocation Plan Statewide Bridge and Tunnel Enterprise Special Revenue Fund (C.R.S 43-4-805(3)(a) 538)			
Line Item	Budget Item	Estimated Revenues	Allocations
1	Estimated Fiscal Year 2023-24 Revenue		
2	FASTER Bridge Safety Surcharge Fee	\$ 109,000,000	
3	Bridge & Tunnel Impact Fee	\$ 19,080,000	
4	Bridge & Tunnel Retail Delivery Fee	\$ 8,219,585	
5	Interest Earnings	\$ 1,800,000	
6	US Treasury Subsidy for Build America Bonds	\$ 5,148,202	
7	Federal Funds for 2010A Bond Debt Service	\$ 9,626,239	
8	Central 70 Conduit Issuer Fee	\$ 100,000	
9	Total Estimated Revenue	\$ 152,974,026	
10			
11	Estimated Allocations		
12	Administrative & Operating Activities (Cost Centers B8800-538 and B88AD-538)		
13	Bridge and Tunnel Enterprise Staff Compensation		\$ (678,047)
14	Bridge and Tunnel Enterprise Program Support		\$ (900,000)
15	Attorney General Legal Services		\$ (50,000)
16	Annual Audit		\$ (35,000)
17	Travel Expenses		\$ (4,000)
18	Operating Expenses		\$ (4,000)
19	Trustee Fee		\$ (10,000)
20	Other consulting		\$ (100,000)
21	Total Administrative & Operating Activities		\$ (1,781,047)
22			
23	Support Services (Cost Center B88SP-538)		
24	Additional Project and Program Support Services		\$ (48,000)
25	Total Support Services		\$ (48,000)
26			
27	Maintenance (Cost Center B88MS-538)		
28	Routine Maintenance on Bridge and Tunnel Enterprise Structures		\$ (825,000)
29	Total Maintenance		\$ (825,000)
30			
31	Preservation (Cost Center B88BP-538)		
32	Bridge and Tunnel Preservation		\$ -
33	Total Preservation		\$ -
34			
35	Debt Service and Availability Payments (B88AP-538)		
36	2010A and 2019A Bond Debt Service		\$ (17,181,000)
37	Central 70 Availability Payment		\$ (31,472,354)
38	Total Debt Service and Availability Payments		\$ (48,653,354)
39			
40	Construction Program		
41	Funding for Bridge and Tunnel Enterprise Projects		\$ (101,666,625)
42	Total Construction Program		\$ (101,666,625)
43			
	Total Estimated Fund 538 Revenues	\$ 152,974,026	
	Total Fund 538 Allocations		\$ (152,974,026)
	Remaining Unbudgeted Funds		\$ (0)





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
DATE: MARCH 15, 2023
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.

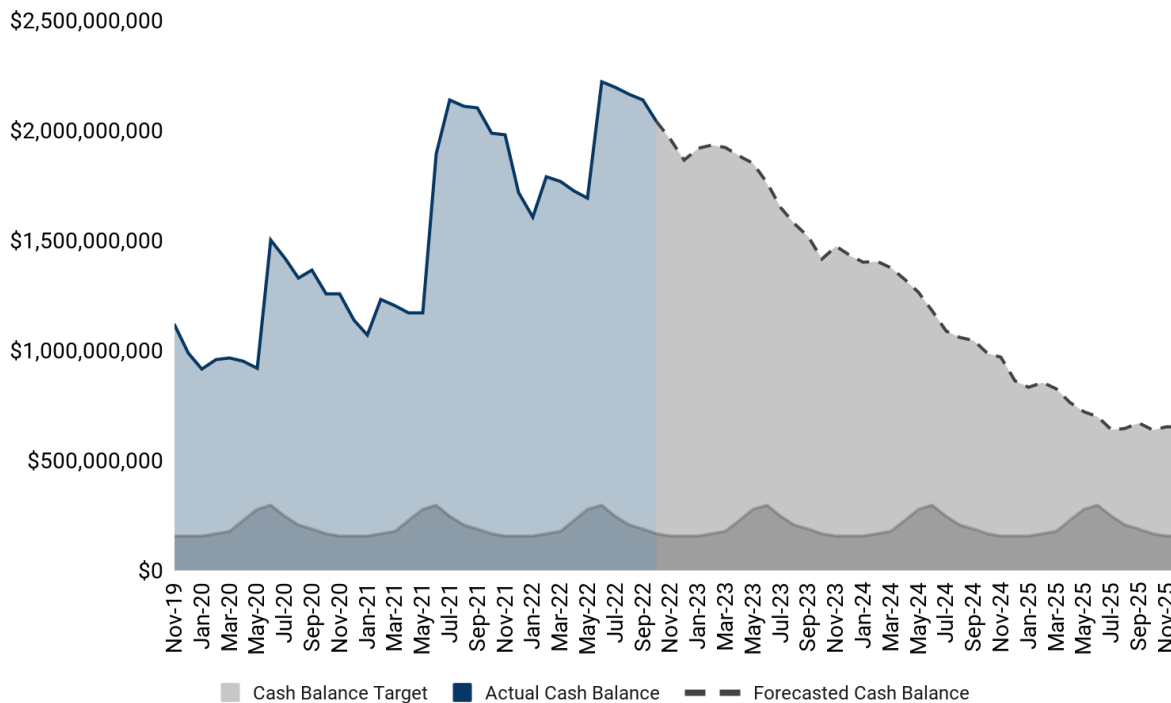
Action

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 (gray 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

The actual closing cash balance for January 2023 was \$1.92 billion; \$1.76 billion above that month’s cash minimum cash balance target of \$160 million. December’s cash balance consists of \$703.8 million in the State Highway Fund and \$1.18 billion in the Senate Bill 267 trustee account. The actual cash balance for January 2023 was \$20.3 million higher than forecasted due to lower than expected payments to contractors.

The large cash balance results from the additional revenues listed in the section below.

Cash Revenues

The cash balance forecast is limited to the State Highway Fund (Fund 400 and affiliated funds and trustee accounts), and does not include other statutory Funds including the Multimodal Mitigation and Transportation Options Fund and Funds associated with the following Enterprises:

- Colorado Transportation Investment Office
- Statewide Bridge and Tunnel Enterprise
- Clean Transit Enterprise
- Nonattainment Area Air Pollution Mitigation Enterprise

The State Highway Fund revenue forecast includes revenues from:

- **Highway Users Tax Fund** - This primarily includes Motor Fuel Taxes, Vehicle Registration Fees, Road Usage Fees, and Retail Delivery fees.
- **Miscellaneous State Highway Fund Revenue** - This revenue includes proceeds from the sale of state property, interest earned on the money in the cash fund, the issuance of oversize/overweight permits, and revenue from various smaller sources.
- **SB 17-267** - This bill directed the State Treasurer to execute lease-purchase agreements on existing state facilities to generate revenue for priority transportation projects. A summary of this revenue can be found in the table below.
- **Other Legislative Sources**- This includes revenue transferred from the General Fund to the State Highway Fund through legislation passed by the Colorado General Assembly. A summary of this revenue can be found in the table below.

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 17-267 and other legislative sources progress through construction.

Legislative Initiatives	2019	2020	2021	2022	2023
SB 21-267	\$424,154,455	\$559,809,594	\$620,559,397	\$624,425,703	\$0
SB 18-001	\$346,500,000	\$105,000,000	\$0	\$0	\$0
SB 19-262	\$0	\$60,000,000	\$0	\$0	\$0
SB 21-110	\$0	\$0	\$30,000,000	\$0	\$0
SB 21-260	\$0	\$0	\$182,160,000	\$170,000,000	\$6,748,728
SB 22-176	\$0	\$0	\$0	\$0	\$6,500,000
SB 22-180	\$0	\$0	\$0	\$40,000,000	\$0
SB 21-265	\$0	\$0	\$0	\$124,000,000	\$0





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

<i>\$ millions</i>	<i>CY 2017 (actual)</i>	<i>CY 2018 (actual)</i>	<i>CY 2019 (actual)</i>	<i>CY 2020 (actual)</i>	<i>CY 2021 (actual)</i>	<i>CY 2022 (actual)</i>	<i>CY 2023 (forecast)</i>	<i>CY 2024 (forecast)</i>
Expenditures	\$642	\$578	\$669	\$774	\$615	\$841	\$869	\$850*

**This is preliminary information based on the 10-Year Plan update which was considered by the Transportation Commission for approval in September. This information will be updated as additional project schedule detail becomes available.*

Figure 3 details CY22 baseline and actual expenditures for the State Highway Fund (see Figure 2 above) as well as Bridge and Tunnel Enterprise. CDOT sets the CY baseline in January each year, using the best estimates, forecast, and schedule information available at the time.

Including Bridge Enterprise, January month end expenditures were corresponding to an Expenditure Performance Index (XPI) of 1.0 (actual expenditures vs. baseline). The CY 23 baseline includes expenditures from 170 projects. s.





MEMORANDUM

TO: COLORADO TRANSPORTATION COMMISSION
FROM: HANNAH L. REED, FEDERAL GRANTS COORDINATOR IN OPGR
DATE: MARCH 15TH, 2023
SUBJECT: UPDATE TO TRANSPORTATION COMMISSION ON SUBMITTED, IN PROGRESS, AND FORTHCOMING GRANT APPLICATIONS TO IIJA DISCRETIONARY PROGRAMS

Purpose

To share progress on submitted applications; current and future coordination of proposals to anticipated federal discretionary programs under the Infrastructure Investment Jobs Act (IIJA); review the grant successes of 2022; and inform processes and procedures for achieving continued grant success in 2023.

Action

Per PD 703.0, when the department intends to apply for grants with a match consisting of previously approved funding, no action is necessary by the Commission, but we provide the Commission with the projects we intend to pursue. If the match requires an additional commitment of funds not already approved by the Commission, or Bridge & Tunnel Enterprise (BTE), staff brings the projects to the Commission as an action item, with the additional funding being made contingent on a successful application and grant award.

As always, Commissioners are encouraged to contact CDOT's in-house grant team with questions, comments, and suggestions.

Background and Details

For information on closed 2022 grant programs and awarded proposals, please refer to 2022 TC Grants Memos from December 2022 or prior.

The following FY22 discretionary grant programs are still reviewing applications:

1. NATIONAL SCENIC BYWAY PROGRAM (NSBP)
 - DTD Colorado Byways Team received 26 project proposals from local agencies statewide. Three eligible and competitive applications were submitted by CDOT:
 - Alpine Loop and Silver Thread Facilities, Safety, and Recreation Upgrades in Regions 3 & 5
 - Scenic Highway of Legends Wayfinding and Interpretive Materials Implementation in Region 2
 - Mount Evans Collaborative Renaming, Re-signing, and Educational Emphasis in Region 1
2. BRIDGE INVESTMENT PROGRAM (BIP)
 - "Other" Bridge subprogram:
 - I-76 Phase V in Region 4
 - US 160 Florida River Bridge in Region 5
 - Y6 BPM in Region 5
 - 6th & Wads Interchange in Region 1
 - Resubmission
3. Enabling Middle Mile Broadband

- CDOT submitted a \$119M proposal to build 7 new middle mile fiber corridors across the state
 - Region 3: 46 miles of fiber between Grand Junction and Delta
 - Region 2: 119 miles of fiber between Pueblo and Lamar.
 - Region 2 & 4: 119 miles of fiber Lamar to Burlington.
 - Region 4: 37 miles of fiber between Greeley and Wiggins
 - Region 4: 60 miles of fiber from Sterling to the Nebraska State Line.
 - Region 4: 5 miles of fiber between Boulder and Longmont.
 - Region 5: 115 miles of over pull fiber from South Fork to Walsenburg.
- 4. RAILROAD CROSSING ELIMINATION (RCE)
 - A planning application to study the elimination of two at-grade highway-rail crossings on US 34 in Region 4
 - CDOT also provided letters of support for two local applications in Fort Collins
- 5. STRENGTHENING MOBILITY and REVOLUTIONIZING TRANSPORTATION (SMART)
 - CDOT-led ATMA proposal with MN DOT, OK DOT, and WI DOT as subrecipients
 - I-25 Coordinated and AI-based Ramp Metering System in Region 1
- 6. FTA's ADVANCED DRIVER ASSISTANCE SYSTEMS (ADAS)
 - Install ADAS demonstrative technologies into three of CDOT's Bustang fleet
- 7. CONSOLIDATED RAIL INFRASTRUCTURE & SAFETY IMPROVEMENTS (CRISI)
 - US 50/US 550 Reconfigured Intersection for Safety and Consolidation (RISC) in Region 3

The following FY23 program(s) have closed and CDOT submitted applications are pending review:

1. RAISE 2023
 - A brief internal analysis of the previous two RAISE cycles (FY 2021 and FY 2022) revealed that an overwhelming majority of awards were granted to "Locals"
 - For reference, in FY21 out of 63 awarded proposals, 36 went to a City, Town, or County; and in FY22 out of 164 awarded proposals, 105 went to a City, Town, or County.
 - In acknowledgement of these statistics, CDOT strategically leveraged established partnerships with local agencies to share lead applicant responsibilities, effectively reducing internal agency competition and casting the widest net of funding for Colorado statewide.
 - The City of Lakewood and CDOT revised and resubmitted the 6th & Wadsworth Interchange Reconstruction proposal.
 - Boulder County and CDOT revised and resubmitted the CO 119 Diagonal Multimodal Improvements proposal.
 - Grand County and CDOT revised and resubmitted the US 40 Passing Lanes & Red Dirt Hill Safety Reconstruction proposal.
 - Morgan and Weld Counties and CDOT revised and resubmitted the I-76 Phase IV Regional Improvements for Safety and Efficiency (RISE) proposal.
 - La Plata County and CDOT revised and resubmitted the US 160 Safety and Mobility Improvements proposal.
 - CDOT submitted an application for the preliminary phase of the I-70 Corridor Resiliency and Connectivity Improvements project.
 - CDOT, with Summit County and Summit County Safe Passages, submitted an application for the I-70 East Vail Pass Wildlife Crossings project.

IN PROGRESS

CDOT is actively pursuing the following discretionary grant program(s):

1. CORRIDOR IDENTIFICATION DEVELOPMENT PROGRAM (CIDP)
 - CDOT and FRPR-D are co-sponsoring an application for the Colorado Front Range Corridor
2. As in previous years, CASTA and FHU Consulting are coordinating applications with local agencies for the 5339 discretionary grant programs (Low-No Emissions and Bus & Bus Facilities)
 - CDOT will submit all applications under the agency UEI and Grants.gov profile.

NEW & FORTHCOMING OPPORTUNITIES

The following discretionary programs are expected to be released in the near future. CDOT is interested in pursuing eligible and competitive projects or partnerships for each program:

1. **WILDLIFE CROSSING PILOT PROGRAM (WCPP):** Funding opportunity exclusive to planning, establishing, and improving safer wildlife crossings over existing transportation assets.
 - CDOT is preparing to submit for the Greenland Wildlife Overpass, as the final component of the I-25 Gap project.
 - This project was previously submitted in May 2020 to the BUILD program
 - CDOT intends to repackage the existing RAISE 2023 proposal for the I-70 East Vail Pass Wildlife Crossings project
 - CDOT will also pursue competitive wildlife crossing projects in the 10 Year Plan, as well as those presented by the Colorado Wildlife and Transportation Alliance as priorities.
2. **PROMOTING RESILIENT OPERATIONS for TRANSFORMATIVE, EFFICIENT and COST-SAVING TRANSPORTATION (PROTECT):** Funding to make existing transportation assets, particularly evacuation routes, more resilient to extreme weather events and other natural disasters. The formula funding for this program was announced in Summer 2022; it is anticipated that the discretionary program will be announced in Winter/Spring 2023.
 - CDOT is preparing a scalable proposal to address resiliency on corridors related to Glenwood Canyon, including I-70, Cottonwood Pass, US 40, SH 13, and SH 9.
 - This proposal is complementary to the “I-70 Corridor Resiliency and Connectivity Improvements: Phase I” application prepared for RAISE 2023

Next Steps

CIDP applications are due March 20th, 2023

Low No and Bus Fleet 5339 applications are due April 13th, 2023

WCPP and PROTECT are both expected to release NOFOs in late Winter / early Spring 2023