

Colorado Transportation Commission

Schedule & Agenda

May 17-18, 2023

Transportation Commission Workshops

Wednesday, May 17, 2023

Time	Topic	Speaker
12 pm	Lunch for Commissioners (optional)	None
1:00 p.m.	Budget Workshop	Jeff Sudmeier and Bethany Nicholas
1:30 p.m.	Consent Agenda Review	Herman Stockinger and Executive Management
1:45 p.m.	TPR Boundary Study Update	Herman Stockinger and Jamie Grimm
2:15 p.m.	Glenwood Canyon Structural Update	Roland Wagner and Jason Smith
2:45 p.m.	Winter 22/23 Season Overview Brief	John Lorme
3:00 p.m.	Fee Based ROW Access for Fiber Progress Update	Allie Axley and Jonas Durham
3:30 p.m.	Audit Review Committee	Frank Spinelli
4 p.m.	Adjournment	None

Transportation Commission Meeting -

Thursday, May 18, 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
9:20 a.m.	Comments of the Chair and Individual Commissioners	Commissioners
9:40 a.m.	Executive Director's Management Report	Shoshana Lew
9:45 a.m.	Chief Engineer's Report	Keith Stefanik
9:50 a.m.	CTIO Director's Report	Nick Farber
9:55 a.m.	FHWA Division Administrator Report	John Cater
10 a.m.	STAC Report	Vincent Rogalski
10:05 a.m.	Legislative Report	Emily Haddaway
10:10 a.m.	Act on Consent Agenda <ul style="list-style-type: none"> • Proposed Resolution #1: Approve the Regular Meeting Minutes of April 20, 2023 • Proposed Resolution #2: IGA Approval >\$750,000 • Proposed Resolution #3: Disposal: Parcel 1-EX High Street (Grand Jct.) • Proposed Resolution #4: Disposal: Parcel 78 Rev-EX (Clear Creek) 	<ul style="list-style-type: none"> • Herman Stockinger • Lauren Cabot • Jason Smith • Jessica Myklebust

	<ul style="list-style-type: none"> Proposed Resolution #5: Adoption of Policy Directive 6.0 "Fuel Controls for CDOT Fleet" 	<ul style="list-style-type: none"> Herman Stockinger, John Lorme, and Howard Ray
10:15 a.m.	Discuss and Act on Proposed Resolution #6: 11 th Budget Supplement of FY 2023	Jeff Sudmeier
10:20 a.m.	Discuss and Act on Proposed Resolution #7: Tolling Operations and Maintenance IAA between CDOT and CTIO	Nick Farber
10:25 a.m.	Discuss and Act on Proposed Resolution #8: Adoption of the FY2024 - FY2027 STIP	Jamie Collins and Darius Pakbaz
10:30 a.m.	Recognition	None
10:35 a.m.	Other Matters - Chair appoints nominating committee for new officers	Gary Beedy
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, May 18, 2023

Time	Topic	Speaker
10:40 a.m.	Call to Order and Roll Call	Herman Stockinger
10:45 a.m.	Public Comments	Various
10:50 a.m.	Act on Consent Agenda <ul style="list-style-type: none"> Proposed Resolution #BTE1: to Approve the Regular Meeting Minutes of April 20, 2023 	Herman Stockinger
10:55 a.m.	Discuss and Act on Proposed Resolution #BTE2: Bridge & Tunnel Enterprise 9th Budget Supplement for FY'23	Jeff Sudmeier
11 a.m.	Other Matters - Chair appoints nominating committee for new officers	Gary Beedy
11:05 a.m.	Adjournment	None

Information Only

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- May TC Grants Memo (Hannah Reed)
- Transportation Trends Report (Darius Pakbaz)
- Bridge & Tunnel Enterprise Q3FY2023 Quarterly Report (Patrick Holinda)
- Central 70 Quarterly Status Update (Bob Hays)
- DTR Programs Report - Q3 (Jennifer Phillips)



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: MAY 18, 2023
SUBJECT: ELEVENTH BUDGET SUPPLEMENT - FY 2022-2023

Division of Transportation Development

\$850,000 - 10-Year Plan Program - Funding is requested from the 10-Year Plan Program in order to address air quality monitoring for applicable 10-Year Plan projects, as required by Senate Bill 21-260 (SB21-260) and Colorado Revised Statute (CRS) 43-1-128. Funding a distinct project for required air quality monitoring activities, rather than funding monitoring for each construction project independently, will enable CDOT to conduct this work as a coordinated effort, ensuring consistency across all projects in terms of data collection, reporting and identification of statewide trends. Additionally this approach reduces monitoring costs with economy of scale for equipment and plans.

See the attached memo for additional information including a listing of the specific projects currently identified as requiring air quality monitoring.

Per Policy Directive 703.0 new projects/initiatives added to the 10 Year Plan require Transportation Commission approval.

Region 1

\$10,515,896 - 10-Year Plan Program -A transfer of savings from the Central 70 project to I-70 PPSL is requested in order to provide funding for a claim award resulting from recent arbitration. The I-70 Westbound Peak Period Shoulder Lane (PPSL) project was awarded to Graham Contracting, Ltd in Spring 2019. Partial acceptance on the project was issued in November, 2021. Issues arising during construction resulted in a dispute and claim process. When CDOT and the contractor were unable to reach agreement through mediation, an arbitration process ensued which was completed on March 3, 2023. The arbitration panel issued an order on April 20, 2023 in which they found in the favor of Graham Contracting, Ltd on three of four issues presented, identifying an award of \$16,139,396, including interest. The requested funds from the Central 70 project will be combined with \$3,000,000 in funds remaining in the I-70 PPSL project, as well as the return of \$2,623,500 in Liquidated Damages, in order to fully fund the claim award and make payment.

See the attached memo for additional information.

Per Policy Directive 703.0 project changes greater than 15% above current budget and greater than \$500,000 requires Transportation Commission approval.

Region 3

\$4,095,000 - TC Contingency Reserve - CO133 Bear Creek Culvert Failure - Funding is requested from the TC Contingency Reserve in order to address the failure of 72” corrugated metal pipe (CMP) type culvert on Highway 133 Mile Marker 16.2 (located between the Town of Paonia to the South and the Town of Somerset to the North). The failure of the culvert, the result of high spring runoff flows from Bear Creek, has resulted in the extended closure of CO 133. As of May 1st the sinkhole was at least 20ft x 25ft. Funding from the TC Contingency Reserve is requested in order to proceed with emergency repair.

See the attached memo for additional information.

Per Policy Directive 703.0 use of Contingency Reserve funds requires Transportation Commission approval.

Cost Escalation Fund

\$582,125 - Cost Escalation Fund- Pursuant to PD 703, transfers are approved by the Executive Management Team. Transfers for the month are listed below:

- *Region 2 Bailey Safety Project - \$582,125*

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
Eleventh 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	
August-22	<i>Balance 2S23</i>		\$31,405,631	
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	
March-23	<i>Balance 9S23</i>		\$25,114,214	
April-23	<i>Balance 10S23</i>		\$25,114,214	
	<i>Various emergency project returns</i>	\$ 1,282,542		Various
	<i>CO 133 Sinkhole Early Estimate</i>	\$ (4,095,000)		Pending
May-23	<i>Pending Balance 11S23</i>		\$22,301,756	

**Cost Escalation Fund Reconciliation
Eleventh 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	
March-23	<i>Balance 9S23</i>		\$25,353,112	
April-23	<i>Balance 10S23</i>		\$21,138,112	
	<i>R2 - Bailey Safety</i>	(582,125)		1000315314
May-23	<i>Pending Balance 11S23</i>		\$20,555,987	

**Transportation Commission Program Reserve Fund Reconciliation
Eleventh 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	
March-23	<i>Balance 9S23</i>		\$68,066,727	
April-23	<i>Balance 10S23</i>		\$14,774,236	
	<i>No Pending Requests</i>			
May-23	<i>Pending Balance 11S23</i>		\$14,774,236	

**Transportation Commission Maintenance Reserve Reconciliation
Eleventh 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	
March-23	<i>Balance 9S23</i>		\$4,655,000	
April-23	<i>Balance 10S23</i>		\$0	
	<i>No Pending Requests</i>	\$ -		
May-23	<i>Pending Balance 11S23</i>		\$0	



FY 2022-2023 Contingency Reserve Fund Balance Projection		
April		
TC Contingency Balance (Emergencies)	\$25,114,242	
<i>Pending Requests:</i>		
Various project savings returns	\$1,282,542	
CO 133 Sinkhole Early Estimate	(\$4,095,000)	
Pending May		
TC Contingency Reserve Balance	\$22,301,784	
<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	\$3,000,000
Region 4 Project Savings	\$0	\$3,000,000
Projected FY 2022-2023 YE Contingency Balance	\$22,301,784	\$28,301,784
<i>TCCRF Surplus (Deficit) to Reach \$25M Balance July 1, 2023</i>	<i>(\$2,698,216)</i>	<i>\$3,301,784</i>

FY 2022-2023 Program Reserve Fund Balance Projection		
April		
TC Program Reserve Balance	\$14,774,236	
<i>Pending December Requests:</i>		
No Pending Requests	\$0	
Pending May		
TC Program Reserve Fund Balance	\$14,774,236	
<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	\$14,774,236	\$14,774,236

FY 2022-2023 Cost Escalation Pool	
April	
Cost Escalation Pool Balance	\$21,138,112
<i>EMT Approved Requests:</i>	
Region 2 -Bailey Safety Project	(\$582,125)
Pending May	
TC Program Reserve Fund Balance	\$20,555,987

FY 2022-2023 Maintenance Reserve Fund Balance Projection	
April	
TC Maintenance Reserve Balance	\$0
<i>EMT Approved Requests:</i>	
No Pending Requests	\$0
Pending May	
TC Maintenance Reserve Fund Balance	\$0





MEMORANDUM

TO: COLORADO TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
JANE HANN, ENVIRONMENTAL PROGRAM BRANCH MANAGER
DATE: MAY 18, 2023
SUBJECT: PROJECT FUNDING FOR AIR QUALITY MONITORING IN COMPLIANCE WITH SENATE BILL 21-260 AND COLORADO REVISED STATUE 43-1-128.

Purpose

The purpose of this memorandum is to request the Transportation Commission's approval of an allocation of \$850,000 to fund an air quality monitoring program for the state's largest highway capacity projects, as required by Colorado's Senate Bill 21-260 (SB21-260) and Colorado Revised Statute (CRS) 43-1-128.

Action

CDOT staff is seeking Transportation Commission approval of \$850,000 funding, from the 10 Year Plan allocation.

Background

Colorado's SB21-260, Section 30, Part 4, has been codified in the CRS 43-1-128 and requires that CDOT establish air quality monitoring and mitigation activities for major transportation projects:

4) If a planned Transportation Capacity project is a Regionally Significant project, the Department shall, through its environmental study process;

(4)(a) ... provide monitoring and measurement of criteria pollutants prior to construction;

(4)(b) Develop and implement a particulate matter construction plan to provide continuous monitoring and transparent public reporting of concentrations, public alerts issued as soon as possible when exceedance events occur, and action plans to address emission levels on construction projects prior to exceedances, with particular focus on Disproportionately Impacted Communities; and

(4)(c) Develop and implement a plan to mitigate air quality impacts on communities, including but not limited to Disproportionately Impacted Communities adjacent to the project, with particular focus where feasible on mitigation of fine particulate matter pollution.

In addition, the EPA has proposed lowering the primary (health-based) annual Particulate Matter 2.5-micron standard from its current level of 12.0 $\mu\text{g}/\text{m}^3$ to within the range of 9.0 to 10.0 $\mu\text{g}/\text{m}^3$. Denver, Weld, and Boulder counties were listed by the EPA as potential new PM nonattainment areas based on 2019-2021 monitoring data, even though new boundaries may not follow county lines.

Why is this a 10 Year Plan request and not fund by individual projects?

- Three of these projects are already under contract and construction, therefore changing project contracts to include this monitoring requires expensive and time-consuming contract changes.





COLORADO

Department of Transportation

Division of Transportation Development

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

- It enables CDOT to conduct this work as a single, coordinated effort, ensuring consistency across all projects in terms of data collection, reporting and identification of statewide trends.
- Reduces monitoring costs with economy of scale for equipment and plans. For example, it reduces the need for redundant spare equipment for every project.
- Supports a critical program development period and will help identify effective mitigation strategies to reduce air pollution for projects going forward.

Scope of Effort

Although the Division of Transportation Development, Environmental Programs Branch was able to set up this program and fund monitoring for the three projects in active construction through July 31, these projects require additional funding for monitoring in fiscal year 2024.

1. I-25 North Express Lanes: Segment 6 (CO 56 to CO 402)- Region 4
2. I-25 North Express Lanes: Segment 7&8 (CO 402 to CO 14)- Region 4
3. US 550 and US 160 Connection- Region 5

Funding is being requested to monitor the following projects through fiscal year 2024:

1. North I-25 (US 36 to 104th)- Region 1
 - Pre-construction monitoring required in advance of construction in calendar 2024
2. I-70 East/I-270 Direct Connects- Region 1
 - Pre-construction monitoring required in advance of construction calendar 2024 and will be performed in concert with the larger I270 project.
3. CO 21 and Airport Road DDI Interchange Construction- Region 2
 - Air quality monitoring for construction calendar 2023
4. I-25 North Express Lanes: Segment 5 (CO 56 to CO 66)- Region 4
 - Air quality monitoring for construction calendar 2023

The funding will be used to:

- Develop air quality monitoring and mitigation plans for projects, including a "Mitigation Action Plan" with a menu of choices to reduce air pollution emissions, when needed.
- Set up, operate, and maintain sensors to provide reliable, high quality data. Monitors will be located to identify ambient and construction emissions, with consideration of sensitive receptors and disproportionately impacted communities.
- Collaborate with the CDOT Data Management Office to develop a public project dashboard similar to the [I-270 Air Quality Construction Research Project](#).
- Implement a public alert system through email (and possibly text) notifications when there has been an air quality exceedance.
- Provide a statewide assessment of data to identify trends and "lessons learned" which will assist in the development of future projects.

This new program provides an opportunity to both better understand transportation emissions and make a tangible difference in reducing those emissions. This funding request is a benefit to the Department and citizens of Colorado because it will:

- Help ensure CDOT's compliance with CRS 43-1-128's air quality monitoring requirements in a cost-effective manner.
- It will also help CDOT proactively address the proposed EPA changes to lowering the primary (health-based) annual PM_{2.5} standard by increasing the understanding of pollution sources and dispersion, as well as monitoring procedures for highway projects.





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Performance and Asset Management Branch
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- Increase public access to information about the air quality conditions via dashboards and public alerts.
- Lead to new mitigation ideas that could shape future transportation projects for years to come.
- Help identify the most beneficial uses of [Nonattainment Area Air Pollution Mitigation Enterprise](#) funding, which was created in SB21-260 to mitigate the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas.

Next Steps

Should this request be approved, CDOT will implement the air quality project monitoring in compliance with SB21-260 and CRS 43-1-128.





COLORADO
Department of Transportation

Region 1 Transportation Director
2829 W. Howard Place
Denver, CO 80204

TO: Transportation Commission
FROM: Jessica Myklebust, Region 1 Transportation Director
DATE: May 4, 2023
SUBJECT: Request to approve allocation of additional Central 70 project funds to project NHPP 0703-445 (21893) I-70 Westbound Peak Period Shoulder Lane.

Purpose

Region 1 Requests the Transportation Commission allow allocation of \$10,515,896.16 of additional funds be added to project NHPP 0703-445 (21893) I-70 Westbound Peak Period Shoulder Lane (PPSL).

Background

The required additional funding is available in the Central 70 funding source. The PPSL project was advertised on March 11, 2019, and the Bid Letting was on April 25, 2019. The project was awarded to Graham Contracting, LTD and NTP was issued on July 1, 2019. The project was issued partial acceptance on November 15, 2021.

During construction, there were two issues that proceeded through the disputes and claims process. After partial acceptance, Graham Contracting, LTD submitted two additional issues that were added to an arbitration demand as part of the disputes and claims process. Mediation was attempted on November 7, 2022 and Arbitration was completed on March 3, 2023.

The arbitration panel issued an order on April 10, 2023 in which they found in the favor of Graham Contracting, LTD on three of the four issues presented. On May 2, 2023, the arbitration panel issued an order to clarify the interest payments due per the contract and the per day rates should payment be made after May 15, 2023. While the quantum can be appealed to court, the award recommended by the arbitration panel is 60% for the contractor on the 3 findings. If CDOT appealed, CDOT would incur not only the cost of the appeal, but additional interest costs during the appeal process.

The final dollar amounts are noted below:

	Interim Amount	Interest	Final Award
Claim 1 – Inefficiencies	\$3,971,613.50	\$782,717.32	\$4,754,330.82
Claim 2 – Inefficiencies	\$3,971,613.50	\$560,282.59	\$4,531,896.09
Claim 3 – Delay Damages	\$3,526,225.50	\$371,411.05	\$3,897,636.55
Winter Protection	\$50,396.00	\$5,308.12	\$55,704.12
Return of Liquidated Damages	\$2,623,500.00	\$276,328.58	\$2,899,828.58
Total Claim	\$14,143,348.50	\$1,996,047.66	\$16,139,396.16



After May 15, 2023, interest on the combined categories of damages awarded will accrue at the rate of \$3,423.11 per day.

Recommendation

The project team, and advising partners recommends allocation of \$10,515,896.16 of Central 70 funding to this project. There are \$3,000,000 in funds remaining in NHPP 0703-445 (21893) I-70 Westbound Peak Period Shoulder Lane and the return of \$2,623,500.00 in Liquidated Damages from the project to reach the final award total.





COLORADO
Department of Transportation

Office of the Region Transportation Director
222 South 6th Street
Grand Junction, CO 81501

MEMORANDUM

TO: Transportation Commission
FROM: Jason Smith, Region 3 Transportation Director
CC: Shoshana Lew, Executive Director
Herman Stockinger, Deputy Executive Director
Jeffrey Sudmeier, Chief Financial Officer
DATE: May 9, 2023

Purpose

CDOT Region 3 is requesting \$4,095,000 from the Transportation Commission Program Reserve for the emergency work associated with the CO 133 Bear Creek Culvert Failure (MM 16.15).

Action Requested

Approval of the requested Transportation Commission Program Reserve funding.

Background

On the morning of April 29, 2023, CDOT Maintenance noticed an approximately three-foot diameter sinkhole on the north shoulder of CO 133 at MM 16.15, in the location of a 72" diameter CMP. The Region 3 Hydraulics Engineer made a site visit on the afternoon of April 29. It was determined that the sinkhole was caused by a joint failure in the culvert, and high spring runoff flows from Bear Creek. On May 1, the sinkhole rapidly began expanding, as debris jams broke free in the upper Bear Creek drainage, creating a surge of flow that pushed the existing culvert out from under CO 133 and down the slope towards the N. Fork of the Gunnison River. This resulted in significant areas of roadway collapse.

CDOT Maintenance closed the highway on the evening of May 1. By midday on May 3, the highway had fully collapsed for the entire width of both driving lanes. The total culvert section loss starts 50 feet from the culvert inlet and extends to the outlet, for a total of approximately 250 feet. On May 3, CDOT maintenance removed multiple debris jams from Bear Creek to help mitigate future flow surges.

Region 3 Engineering and CDOT Headquarters Staff Bridge has been researching strategies to replace the existing 72" diameter culvert. Due to the high flows in Bear Creek, replacement of the culvert in its current location is not feasible until spring runoff subsides. Flows in Bear Creek are not likely to recede to base levels until July of this year.



Region 3 Engineering is proposing the installation of a temporary bridge (portable, prefabricated, truss style bridge). This structure could span the failed roadway area allowing reopening to traffic. Region 3 has contacted suppliers and contractors to determine availability of materials and crews. Upon approval of this emergency declaration request, both a temporary bridge and a contractor could be onsite shortly. The current estimate for the temporary bridge installation is approximately \$945,000.

Permanent repair, design and construction of a new culvert will be necessary. The current estimate for the replacement of the culvert is approximately \$3,150,000. The AADT of CO 133 at this location is low at 1500 vehicles per day, of which approximately 10% are trucks. However, this route serves as an important link between several towns including Paonia, Somerset, Redstone, and Carbondale. The Region has also contacted FHWA about the possibility of seeking Federal Emergency Relief Funding for the project, but it was determined that the work did not meet the criteria for Federal Aid. CDOT may continue these discussions with FHWA later.

Next Steps

Region 3 design staff, specialty groups, and the business office are currently working to produce a construction package for advertisement as soon as Thursday May 11, 2023. CDOT staff have mobilized to the site to assess the situation. Region 3 intends to use in-house Region staff, with support from Headquarters Staff Bridge, for creation of the plans and construction management (potentially). Region 3 is also preparing to utilize consultant support from existing Non-Project Specific (NPS) contracts if necessary.

Work will include a quick response Phase 1 advertisement construction package to install a temporary bridge and reopen the road. A Phase 2 advertisement construction package will provide details for the permanent fix and be advertised for bid later. The culvert is either on or adjacent to the Union Pacific railroad property, runs over the Fire Mountain Canal siphon and their access road, and private property. Because of this, the two-phase approach is preferred.



Proposed Resolution #6

Approval and Adoption of the Eleventh Supplement to the Fiscal Year 2022-2023 Budget for the Colorado Department of Transportation.

Approved by the Transportation Commission on May 18, 2023.

WHEREAS, the budget requests being presented to the Transportation Commission this month have been reviewed and were determined to meet the criteria outlined in Policy Directive 703.0, requiring approval by the Transportation Commission; and

WHEREAS, the project requests included in the Supplement and detailed below are consistent with the FY 2023 through FY 2026 STIP, and funds are available from existing program allocations, unless otherwise indicated.

Change to 10 Year Plan Projects

- Allocate \$850,000 to air quality modeling for major projects including 10 Year Plan.
- Reallocate \$10,515,896 savings from Central 70 to I-70 PPSL for a claim award.

TC Contingency Reserve

- \$4,095,000 for CO133 Bear Creek Culvert Failure

NOW THEREFORE BE IT RESOLVED, after review and consideration, the Eleventh Supplement to the Fiscal Year 2022-2023 Budget is approved by the Transportation Commission.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date





COLORADO

Department of Transportation

Office of Policy and Government Relations

2829 W. Howard Place
Denver, CO 80204-2305

DATE: May 17, 2023
TO: Transportation Commission
FROM: Herman Stockinger
SUBJECT: SB 23-1101 TPR Boundary Analysis Provision

Purpose

To provide an overview of the TPR Boundary Analysis provision in SB23-1101.

Action

Informational only.

Background

On April 28, 2023, Governor Polis signed SB 23-1101: The Ozone Season Transit Grant Program Flexibility bill. This legislation updates the timeframe and acceptable uses of grant money received by transit agencies to operate the Ozone Season Transit Grant Program which was used in 2022 by transit agencies to provide free or reduced rides during the “Fare-Free August” program. For Regional Transportation Authorities, the bill also increases the sales and use tax amount that can be assessed by 1 percent and continues their authority to levy up to 5 mills indefinitely.

CDOT is impacted by the legislation in two ways. The bill includes a provision requiring Transportation Planning Regions to add a transit agency representative as a voting member to the TPR board. It also includes the amendment requiring CDOT to analyze the TPR boundaries in a study and provide recommendations to the Transportation Commission on or before November 30, 2023. This legislation directs the Transportation Commission to review these recommendations and open the rules governing the TPR boundaries. It does not mandate that the Commission adopt the recommendations.

In 1992, TPRs in Colorado were created to ensure that regional voices had a place at the table when transportation projects that directly impacted their communities were being designed and built. Ten rural TPRs and five urban TPRs/MPOs were identified for a total of 15 planning regions. The boundaries were decided at that time and have not been meaningfully reviewed in 30 years.

As Colorado’s growth has accelerated, some rural areas have experienced significant changes over those years, and it may be time to better group communities with similar geography, priorities, and objectives. The legislature has directed CDOT to conduct a study to gather data, information, and public input and provide recommendations to the Transportation Commission for possible boundary changes. Urban MPO boundaries are federally mandated so



their boundaries would not be adjusted through this process. MPO boundaries have also been reviewed every ten years after the US Census.

The Transportation Commission has the authority to promulgate rules related to TPR boundaries. The rules related to TPR boundaries are the State Planning Rules, the same rules that were amended to include requirements related to Greenhouse Gas pollutants, [2 CCR 601-22](#).

The amendment includes an extensive list of criteria that CDOT staff examine. The list in the bill is not in priority order:

- Highway And Transit Corridors;
- Transit District Boundaries;
- Disproportionately Impacted Communities;
- Miles Traveled:
 - Vehicle Miles Traveled;
 - Truck Vehicle Miles Traveled;
 - Transit Vehicle Revenue Miles;
 - And Lane Miles;
- Population Trends;
- Safety And Management Considerations;
- Travel Patterns:
 - Commuting;
 - Commercial Traffic;
 - Freight Movement;
 - Tourism Impacts,
 - And Other Travel Patterns;
- Transit-Oriented Development And Access To Affordable Housing;
- Communities Of Interest;
- Air Pollutants;
- Criteria Pollutants;
- Greenhouse Gas Pollutants

In addition to an analysis of the TPR boundaries, the Department must also provide a corresponding study of:

- Membership of the Transportation Advisory Committee
- Membership of the Special Interim Transit and Rail Advisory Committee
- The consistency and transparency of the transportation planning process across the Transportation Planning Regions

In anticipation of the passage of the bill, CDOT staff began traveling to the TPRs to give legislative updates in person and answer questions. So far, staff has given updates to the Central Front Range TPR, Gunnison Valley TPR, Intermountain TPR, Northwest TPR, South Central TPR, Southeast TPR, and, Southwest TPR (virtually). Before the end of June, staff plan to attend the San Luis Valley TPR, Upper Front Range TPR, and Eastern TPR meetings.

Next Steps

Staff can provide more information upon request.

Attachments

[The signed Act](#)





COLORADO
Department of Transportation

House Bill 23-1101

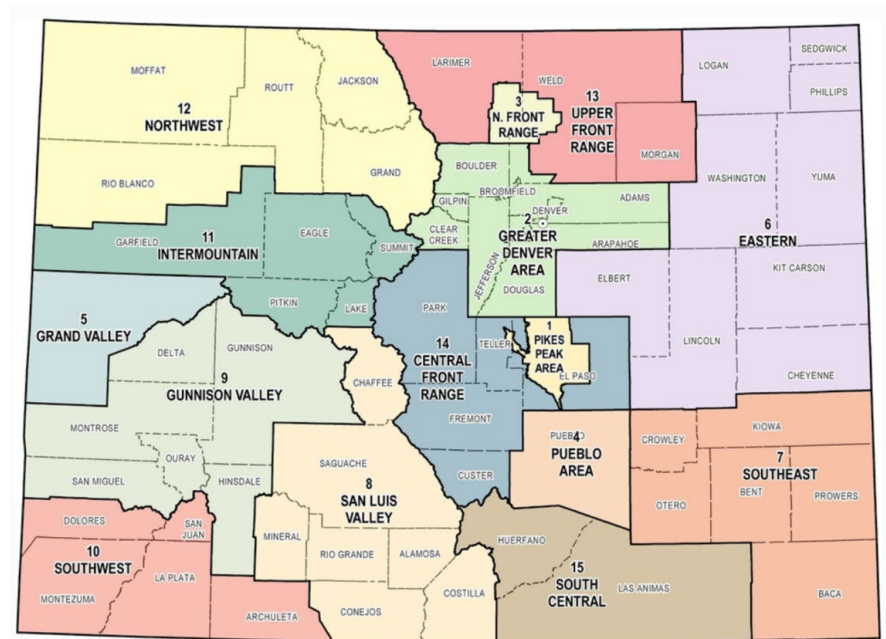
TPR Boundary Study Provision

Page 17 of 174



Status Update

- SB 23-1101 was signed into law by Governor Polis on April 28
- The House passed the final bill on April 21
- The Senate passed the final bill on April 18
- The final version included the language developed in the second conference committee report
- The report included an additional freight factor for consideration, and removed language related to analyzing “equitable” representation on STAC.





Key Points

- The amendment **protects rural Colorado's transportation interests** by mandating that the number of rural TPRs can not be reduced. There are currently 10 rural TPRs and 5 urban MPOs. This number will remain the same.
- The provision outlines multiple items to be considered and **additional criteria were added to the study** at the recommendation of stakeholders in rural Colorado, such as lane miles, freight traffic, and truck vehicle miles traveled.
- This amendment codifies the stakeholding process and specifies that there will be the **opportunity for public comment across the state**.
- While SB 23-1101 requires the Transportation Commission open the rules and consider any recommendations that the study may make, the **authority to change TPR boundaries remains with the Transportation Commission**.



Abridged Amendment Language

On or before November 30, 2023, The Department Shall Complete a Study and Study Report of:

1. The boundaries of the Transportation Planning Regions (TPRs)
2. Membership of the STAC
3. Membership of the Special Interim Transit And Rail Advisory Committee (TRAC)
4. The Consistency and Transparency of the Transportation Planning Process Across the TPRs

In Conducting The Study, **The Department shall provide opportunity for public comment throughout the State** and consider input from stakeholders throughout the State.

The Department shall submit the Study Report to the Transportation Commission and to the Transportation Legislation Review Committee on or before November 30, 2023.

Following completion of the study and with consideration of its findings, the Transportation Commission shall initiate updates to the rules before **June 1, 2024**.



Amendment Language Cont.

Factors for consideration identified in the legislation:

1. Highway And Transit Corridors;
2. Transit District Boundaries;
3. Disproportionately Impacted Communities;
4. Miles Traveled:
 - a. Vehicle Miles Traveled;
 - b. Truck Vehicle Miles Traveled;
 - c. Transit Vehicle Revenue Miles;
 - d. And Lane Miles;
5. Population Trends;
6. Safety And Management Considerations;

7. Travel Patterns:
 - a. Commuting;
 - b. Commercial Traffic;
 - c. Freight Movement;
 - d. Tourism Impacts,
 - e. And Other Travel Patterns;
8. Transit-Oriented Development And Access To Affordable Housing;
9. Communities Of Interest;
10. Air Pollutants;
11. Criteria Pollutants;
12. Greenhouse Gas Pollutants

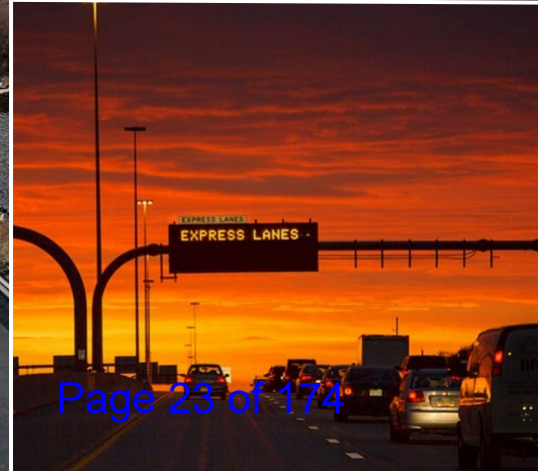


Moving Forward

- CDOT staff has begun gathering data and creating a mapping tool to assist in the analysis.
- HQ staff are attending TPR meetings to explain the amendment and answer any questions TPR members may have. This will continue until the study is completed.
- CDOT will keep the Transportation Commission and STAC informed during the study process.
- Tentatively considering 5 virtual/in person hybrid public meetings across the state in late summer to present data and receive input, followed by 5 additional meetings in the fall to present draft findings and recommendations.
- The legislation requires the Transportation Commission open the rule by June 1, 2024.
 - However, to coincide with the kickoff of the statewide and regional plans, CDOT is expecting to advise the TC to open its rules in December or January in order for any rulemaking to be completed (rather than initiated) by the statutory deadline so that the planning process is not delayed.



Questions?





COLORADO

Department of Transportation

Region 3
222 South 6th Street, #317
Grand Junction, CO 81501-2769

MEMORANDUM

TO: Transportation Commission
CC: Shoshana Lew, CDOT Executive Director; Herman Stockinger, Deputy Executive Director;
John Lorme, Division of Maintenance & Operations Director

FROM: Jason C. Smith, Region 3 Transportation Director

DATE: May 5, 2023

SUBJECT: Glenwood Canyon Deferred Asset Maintenance

Purpose

Region 3 is providing information to the Transportation Commission regarding the need for future funding for deferred maintenance of various assets in Glenwood Canyon, including tunnel assets, pavement resurfacing, modular bridge joints and structural guardrail.

Region 3 will also advise the Transportation Commission on the status of current federal grant applications for deferred asset maintenance.

Action

No action needed at this time, this memo and the attached presentation is informational.

Background

Glenwood Canyon asset management has been underfunded for several decades, and funding will be needed to repair various assets that require routine maintenance.

The canyon and burn scar areas have continued to stabilize after the 2020 Grizzly Creek wildfire and 2021 massive debris flows. As the canyon stabilizes and improves over the coming years, this provides reduced risk for delivering asset management projects and opportunities for needed projects to be contracted.

A RAISE federal grant was applied for in February 2023, this grant included requests for modular bridge joint and structural guardrail replacements in Glenwood Canyon.

A PROTECT federal grant application process was recently announced with submission due in August. Development of the grant application has commenced and the Glenwood Canyon scope for this grant is currently modular bridge joint and structural guardrail replacements.

Next Steps

Region 3 will advise the Transportation Commission at a future meeting on the outcomes of the federal grant applications, and updated Glenwood Canyon deferred asset maintenance funding needs.

Attachments

Glenwood Canyon May TC Presentation – FINAL 05.05.2023 (pdf format)





COLORADO

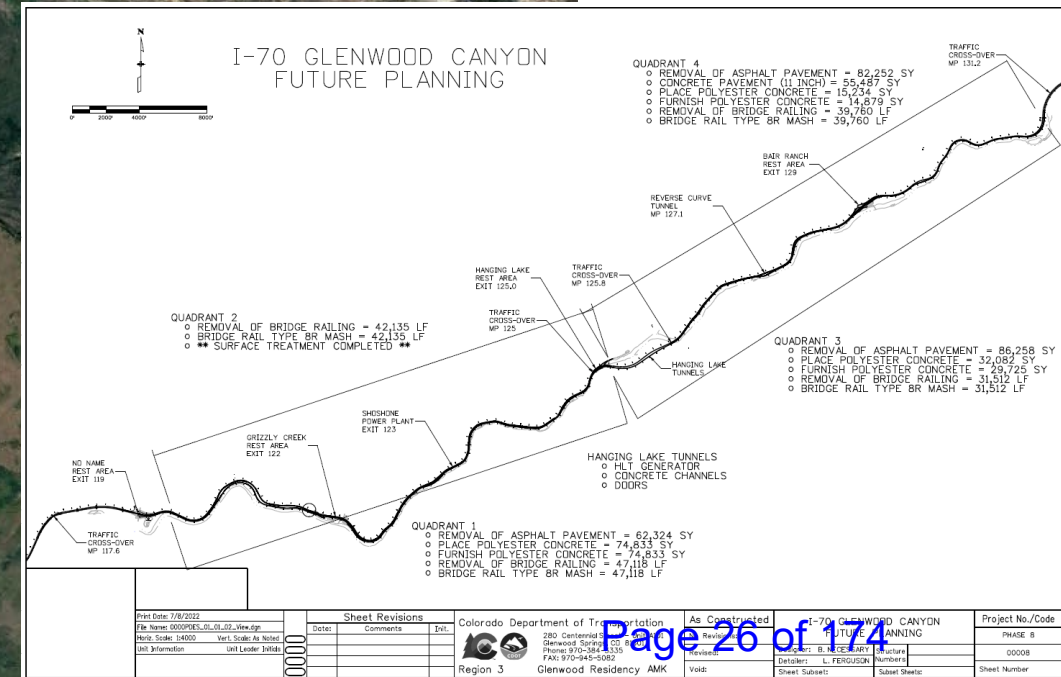
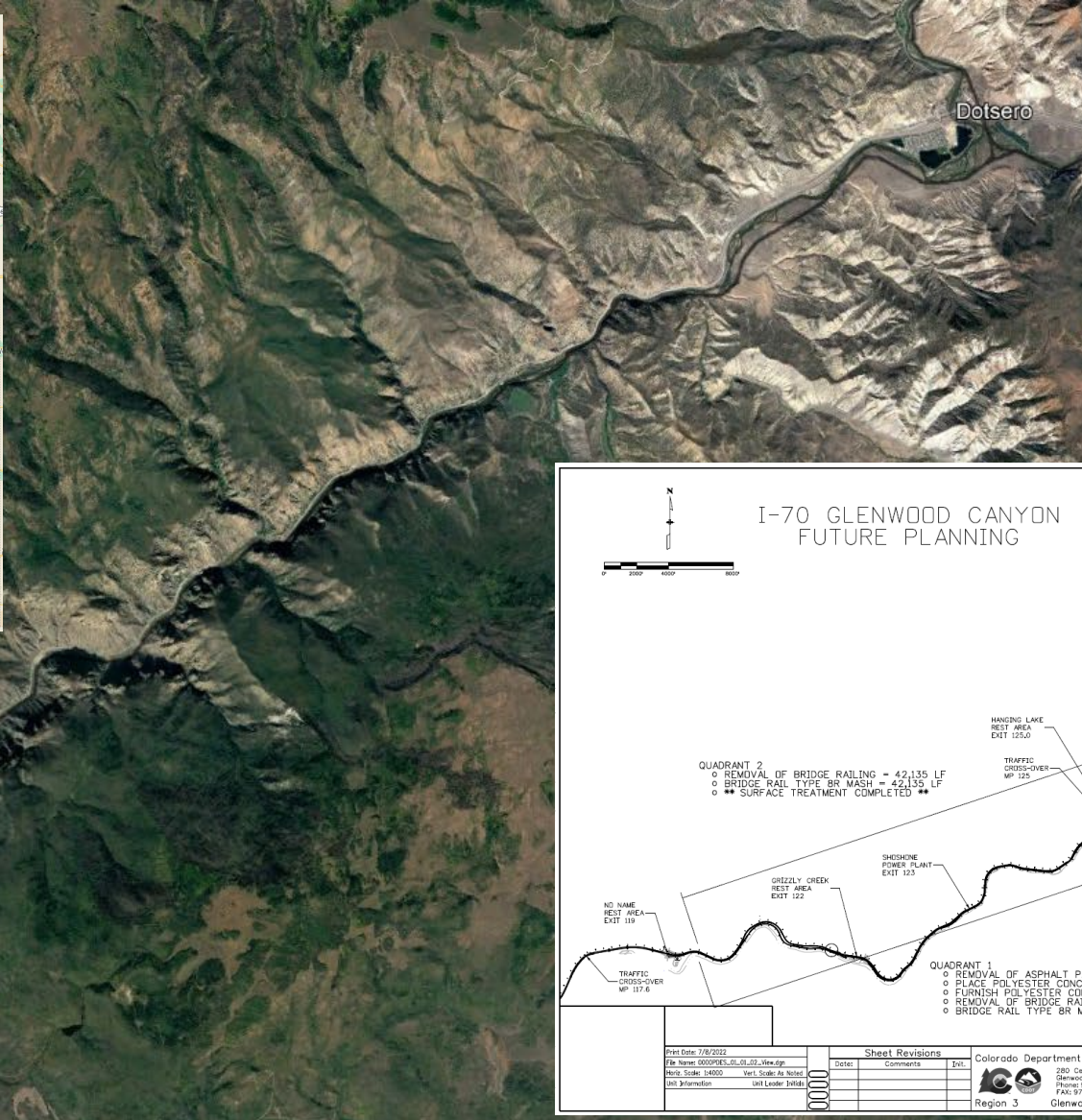
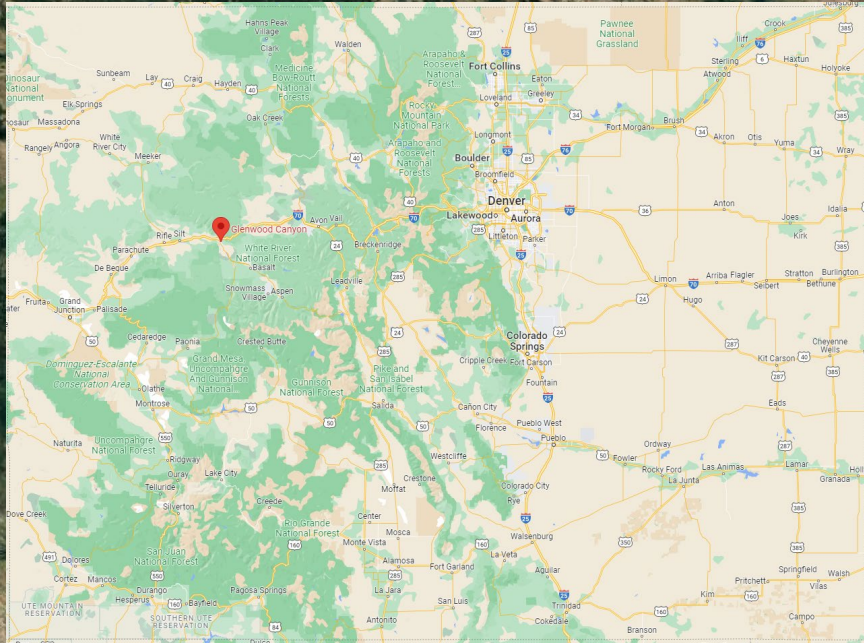
Department of Transportation

Glenwood Canyon Deferred Asset Maintenance

Transportation Commission Workshop - May 17, 2023



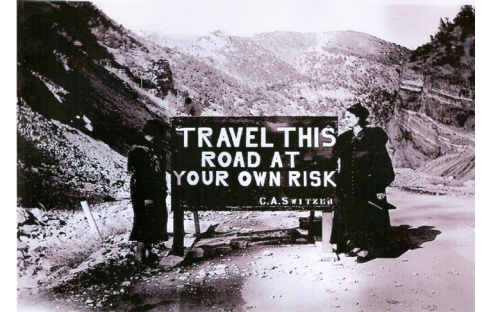
I-70 Glenwood Canyon Location





I-70 Glenwood Canyon History

- Length: 12 miles
- Cost: \$490 million
- Construction Began: 1980
- Construction Completed: 1992 (*2022 was the 30th anniversary!*)
- A road had existed through spectacular Glenwood Canyon, with its cliffs towering a maximum of 2,000 feet above the Colorado River, from pioneer times. Photos of teams and wagons negotiating a rough trail through the canyon date from the 1880s.
- The Taylor State Road was completed between Denver and Grand Junction in 1902. It was the first improved vehicle road through Glenwood Canyon.
- **The final link of I-70 through Glenwood Canyon has been hailed as an engineering marvel, winning scores of awards for outstanding planning and design, and notably because of the care taken to incorporate the interstate improvements into the fragile canyon environment while leaving as much of the flora and fauna intact as possible.**
- As many as 500 highway workers were employed in the canyon each day. The public driving through the area marveled at the new retaining walls, 40 viaducts and bridges, some of which were constructed using unique and spectacular slip-form gantry imported from France. Traffic delays during construction sometimes approached 30 minutes or more, giving drivers a chance to get out of their vehicles and watch first-hand at the construction activities going on around them.
- Construction of five tunnels, 15 miles of retaining walls, and numerous other structures, comprised a challenging but very rewarding project. The Glenwood Canyon project required 30 million pounds of structural steel, 30 million pounds of reinforcing steel, and 400,000 cubic yards of concrete weighing 1.62 billion pounds.
- **The result of the Glenwood Canyon I-70 Final Link is much more than just a transportation facility. State-of-the-art rest areas at No Name, Grizzly Creek, Hanging Lake, and Bair Ranch provide opportunities for rest, education about the canyon and the project, and direct access to recreational pursuits such as river rafting and bicycling/jogging/walking along the canyon's recreation path.**





Modular Bridge Expansion Joints

- Custom fabricated bridge expansion joints that are required when the bridge thermal expansion/contraction movements exceed the 1-foot width capacity of a standard bridge joint.
- **The modular expansion joints have a 15-year design life, and some are over 33 years old and could fail at any time. The current cost estimate to replace old expansion joints is \$9M.**
- When the joints fail, maintenance is on call 24/7 to keep the joint welded together until a new joint can be designed, fabricated and delivered.
- **Typical impacts from a modular joint failure are 3-4 months of a 24/7 lane closure at the failed joint.**



Direction	Name	Mile Post	Replaced/Installed	Age
WB	F-08-AV	127.2	1989	33
WB	F-08-BH	127.52	1989	33
WB	F-08-AV	127.2	1989	33
EB	F-08-BI	124.92	1992	30
EB	F-08-AN	124.92	1992	30
EB	F-08-AL	124.64	1992	30
EB	F-08-BI	124.92	1992	30
WB	F-08-BJ	125.91	1993	29
WB	F-08-BJ	125.91	1993	29
WB	F-08-BJ	125.91	1993	29
WB	F-08-BJ	125.91	1993	29
WB	F-08-BJ	125.91	2003	19
WB	F-08-BH	127.52	2004	18
EB	F-08-BC	122.47	2005	17
EB	F-08-BC	122.47	2005	17
EB	F-08-AE	128.32	2012	10
EB	F-08-AE	128.32	2012	10





Modular Bridge Expansion Joints





Resurfacing

- There have been 7 previous construction projects to resurface Glenwood Canyon with durable and long-lasting full depth concrete and polyester concrete pavements.
- Due to the surface treatment program funding limitations, this work is typically deferred until enough funding can be saved up and programmed for the next project.
- **To date, resurfacing has been completed on only one of the 4 quadrants in the canyon.**
- The resurfacing projects require a head-to-head detour to perform the work safely as the canyon has non-standard (narrow) shoulders which preclude the work being done under lane closures.
- **The current estimate to complete the Glenwood Canyon resurfacing is \$70M.**



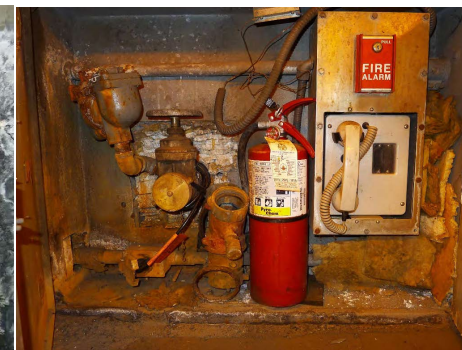


Tunnel Assets

- Glenwood Canyon has five I-70 tunnels:
 - Reverse Curve Tunnel (Westbound I-70)
 - Hanging Lake Tunnels (Eastbound and Westbound I-70)
 - No Name Tunnels (Eastbound and Westbound I-70)
- The current estimate for deferred asset maintenance in the Glenwood Canyon Tunnels is \$43M.



Project Name	Budget Fiscal Year	Estimated Tunnel Asset Budgetary Need
HLT Debris Flow Pan	24	\$ 3,500,000
HLT Roof Access Door	24	\$ 1,000,000
HLT, No Name, Reverse Liner Water Infiltration Repair (AIMS) (Assessment)	24	\$ 524,000
HLT Liner (AIMS 2022)	25	\$ 5,900,000
Reverse Curve Liner (AIMS 2021)	25	\$ 140,000
HLT In-coming Transformers	26	\$ 710,000
Reverse Curve Portal Drainage (owner 2019)	26	\$ 260,000
GWC Portal Rehab (owner 2019)	26	\$ 640,000
HLT Steel Ceiling / Floor Plenum	26	\$ 426,000
HLT Fire Suppression		\$ 25,000,000
HLT Bridge Across River		\$ 4,500,000
Total		\$ 42,600,000





Type 8 Structural Guardrail

- The existing Corten Weathering Steel structural guardrail that was installed with the original canyon construction 30+ years ago has seen excessive corrosion and does not meet current MASH crash test standards.
- This rail is referred to as ‘Structural Rail’ because the top tube rail and posts are one component of the integral guardrail system, with the reinforced concrete parapet wall that the tube rail and posts are anchored upon being the other component of the guardrail system.
- Weathering steel was required with the original construction as an environmental mitigation as the brown rusty color blends in with the natural environment and weathering steel guardrail is a common aesthetic mitigation on USFS lands (Glenwood Canyon lies within a USFS highway easement deed).
- The structural rail has been redesigned to current MASH standards, and a crash test study was conducted in 2018 by the Texas A&M Transportation Institute which certified the rail as meeting the required TL-3 crash standard.
- The improved rail design specifies galvanized tube steel which is corrosion resistant, and the tube rail has a finish applied which replicates a USFS brown low contrast finish to comply with required environmental aesthetic mitigation.
- The current estimate to replace 160,525 LF of the Type 8 structural guardrail to current MASH standards, including parapet repairs, is \$108M, which is approximately \$4.5M/mile of guardrail.





Final Considerations

- Glenwood Canyon is in the process of stabilizing after the 2020 Grizzly Creek wildfire.
- The highest priority of contracted work should be replacing the aging modular bridge expansion joints (\$9M)
- After the modular bridge joints are replaced, then confidence in risk mitigation for utilizing head-to-head detours for future resurfacing projects is improved.
- The deteriorating guardrail needs funding for pre-construction (\$1.5M).
- **Grant Applications:**
 - **2023 RAISE Grant application was submitted in February which included a total of \$26.5M (including TC authorized matching funds) for Glenwood Canyon modular bridge joint and structural rail replacement.**
 - **2023 PROTECT Grant application is under development and will be submitted in August.**
- Should the above grant applications be unsuccessful, it would be prudent to schedule further discussion of funding the \$230M of deferred asset maintenance in Glenwood Canyon at a future Transportation Commission Meeting.



COLORADO

Department of Transportation

Questions





COLORADO
Department of Transportation

Division of Maintenance & Operations

425 C. Corporate Circle, Golden CO 80401

TO: Transportation Commission
FROM: John Lorme, Director, Division of Maintenance and Operations
CC: Herman Stockinger, Deputy Executive Director

DATE: MAY 5, 2023
SUBJECT: FY23 Winter Season Report Out

Purpose

To provide an informational briefing on the Division of Maintenance and Operations (DMO) post winter season operations

Background

Winter Operations is CDOT's largest annual maintenance expenditure. Winter maintenance operations include removing snow and ice from roads (plowing operations) through application of anti-icing, de-icing products, and traction materials, avalanche mitigation operations, storm event management, fleet sustainment operation, in order to insure safe and passible transportation system for the driving public.

Winter Operations

The 2022/23 winter season was a tough winter by any standard, with record snowfall totals reflecting a steady procession of winter events throughout much of the season. Despite challenging conditions, reduced staffing, increased operational costs, CDOT met its overall performance target for the season, measured in terms of how often crews meet their individual targets for the time it takes to restore roads to bare-lane conditions after a winter event.

The 2022/23 winter saw many days of high winds and gusts that caused blowing and drifting, increased avalanche hazards, and back-to-back storms that led to more plow miles than in recent years. All this kept winter maintenance crews on the road not just clearing the heavy snowfall but also performing extensive clean-up operations—removing plowed snow from areas where it affects traffic flow or obstructs drivers' vision. CDOT used more types of equipment—loaders, graders and snowblowers—than in previous years to complete this work and return roadways to good driving conditions.

In the face of rising de-icer product costs, high fuel prices and other challenges, CDOT spent \$115 million on winter maintenance in 2022/23. The department's commitment to environmental stewardship helped keep costs from rising higher; training programs and integration of innovative technologies helped operators use equipment and de-icers efficiently and incorporate alternative methods when appropriate.

Attachment

2022/23 Season Overview



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Division of Maintenance and Operations Winter Season 22/23



Winter Season 22/23

Record Winter Season

This season ranked #2 of the last 50 season in terms of snow days

Significant Storms

This season CDOT Winter Operations Team managed 34 storm events
1300 employees supported

Miles and Miles

CDOT Operators plowed over 6.5M lane miles with a relatively new crop of operators.
That's the equivalent of circling the earth more than 261 times, – while reducing the accident rate

Avalanche Midigation

CDOT safely conducted - triggered 488 avalanches in highway paths of which 203 hit the road

Incident Management

Total Incidents: 11,863 - 15% increase from last winter
Total Closures: 2,485 - 9% decrease from last winter
EJMT Operations Center (opened)

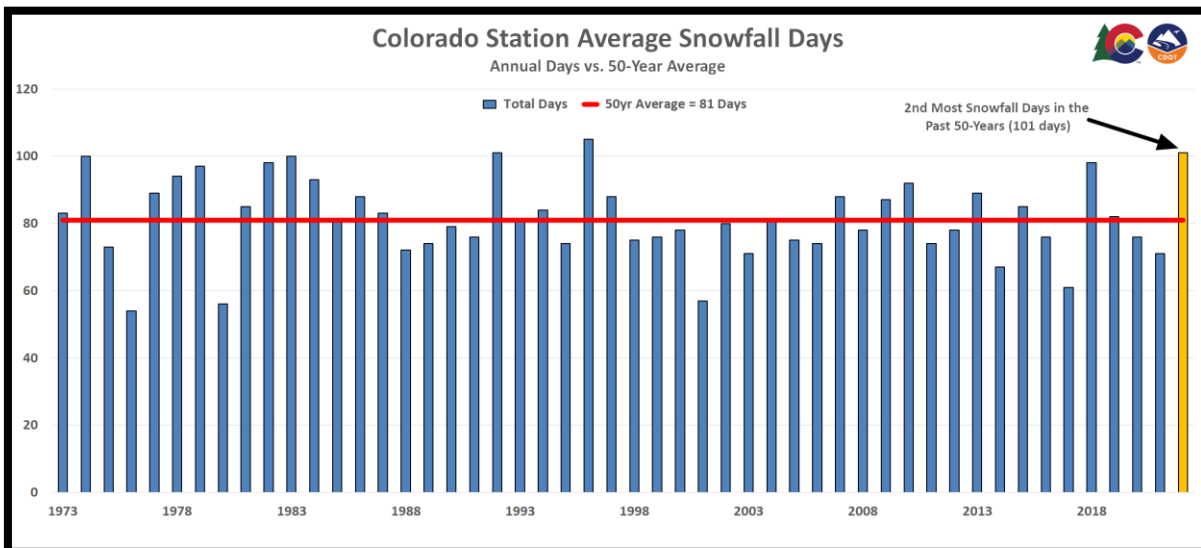
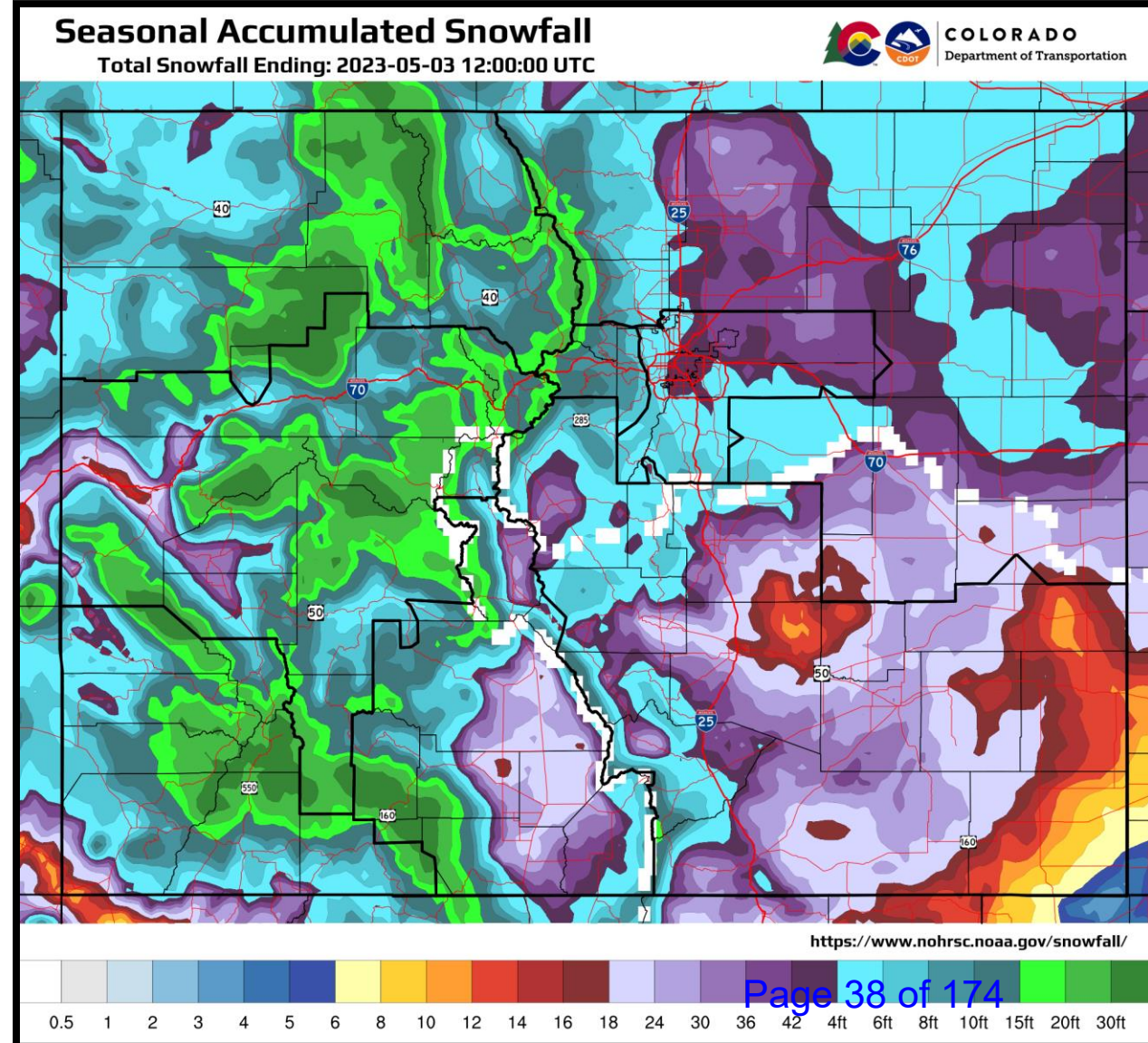




Winter Season 22/23

Snowfall Accumulation Map

- Denver Metro - 49.4 inches
- Wolf Creek Pass - 500 inches
- Steamboat Springs - 428 inches
- Vail - 329 inches
- Winter Park 233 inches
- Crested Butte - 227 inches
- Ouray - 171 inches





Staffing

227 Patrols

**1600 Maintainers
900 Snowplows**

**Recruitment
Efforts:**

**37% TMI Vacancy July 2022
24% TMI January 2023**

**Training
Efforts:**

**Plow Operator 1,147
ELDT Training: 114/200
New Employee: 114**

**Augmentation
Efforts:**

**40 Volunteers (I-70 Corridor)
Expend Incident Response Teams
Front Range Contact Teams**



Winter Season 22/23

MLOS Budget July 1, 2022 (FY23)

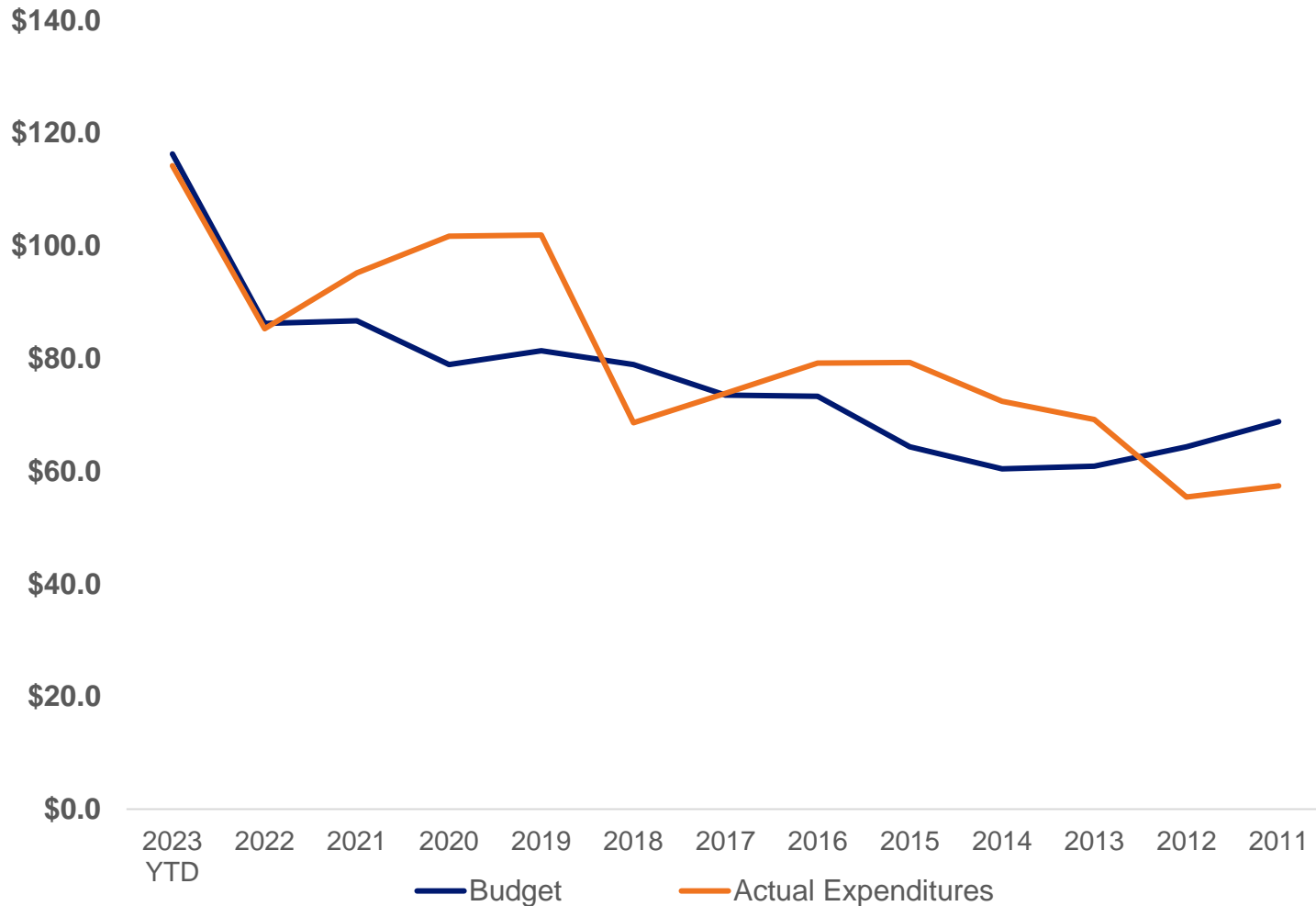
\$273,155,140.79



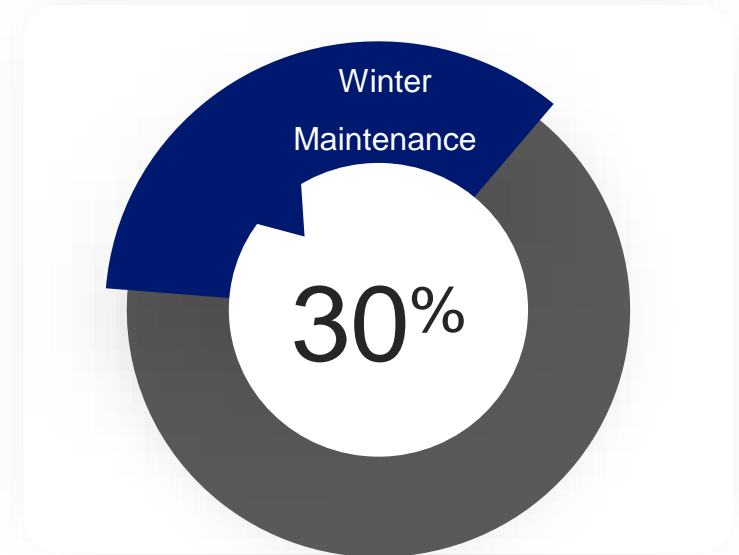


Winter Season 22/23

The True Cost of Winter Maintenance (Services)



The average, state DOTs expend roughly 20% of their budgets on winter maintenance Colorado avg is approx. 30%
2022/23 is approaching 40% this year

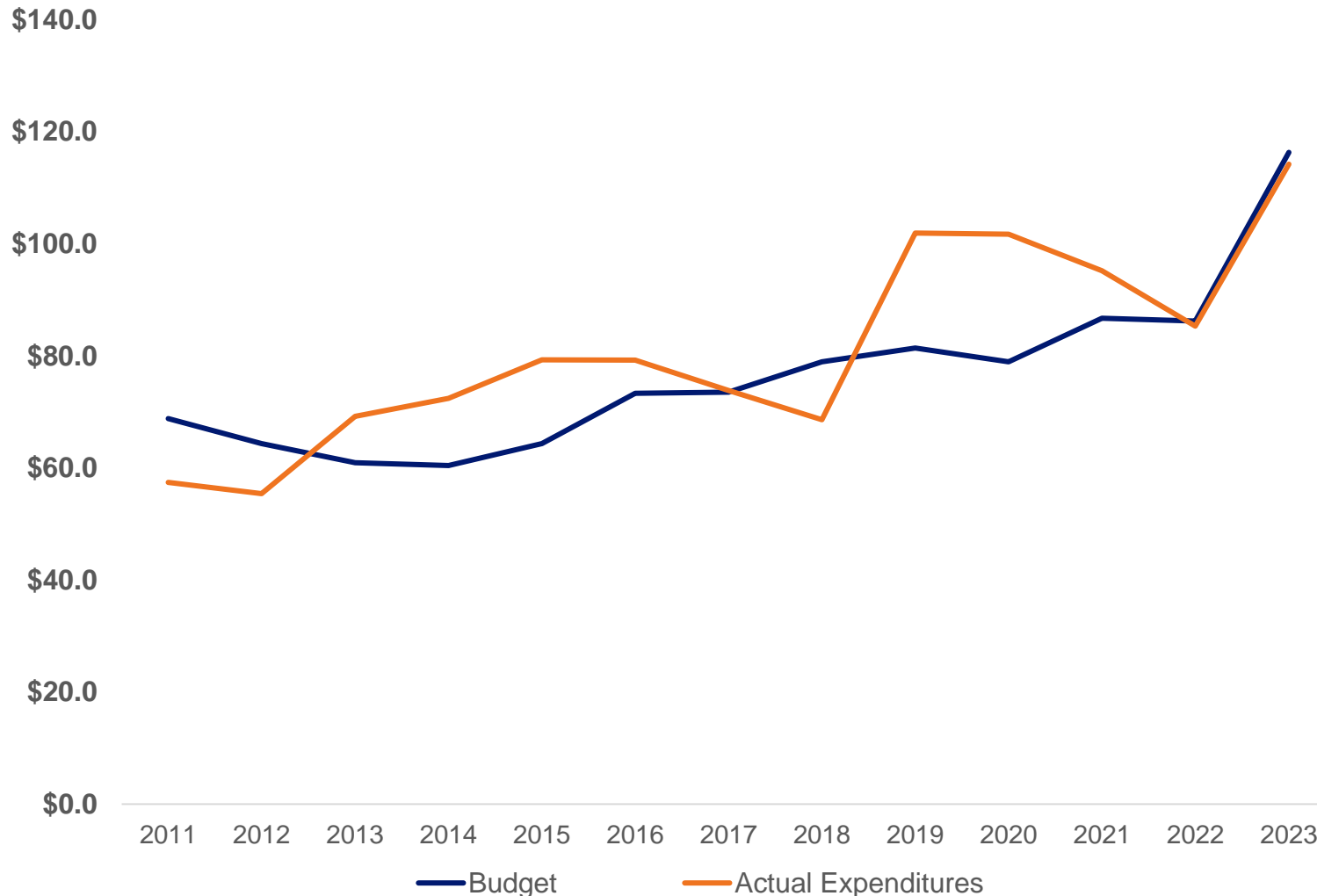


CDOT spends an average of \$100M annually battling snow and ice on our 24,000 miles of roadways, 3,447 bridges, managing 278 avalanche paths and keeping 35 high mountain passes open year-round.

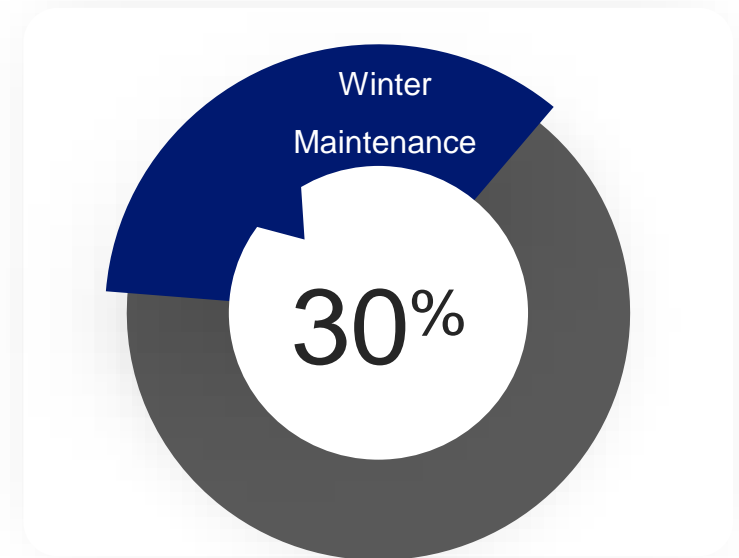


Winter Season 22/23

The True Cost of Winter Maintenance (Services)



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CDOT spends an average of \$100M annually battling snow and ice on our 24,000 miles of roadways, 3,447 bridges, managing 278 avalanche paths and keeping 35 high mountain passes open year-round.



Winter Season 22/23

+18%

Materials
De-Icers - 3 years

+50%

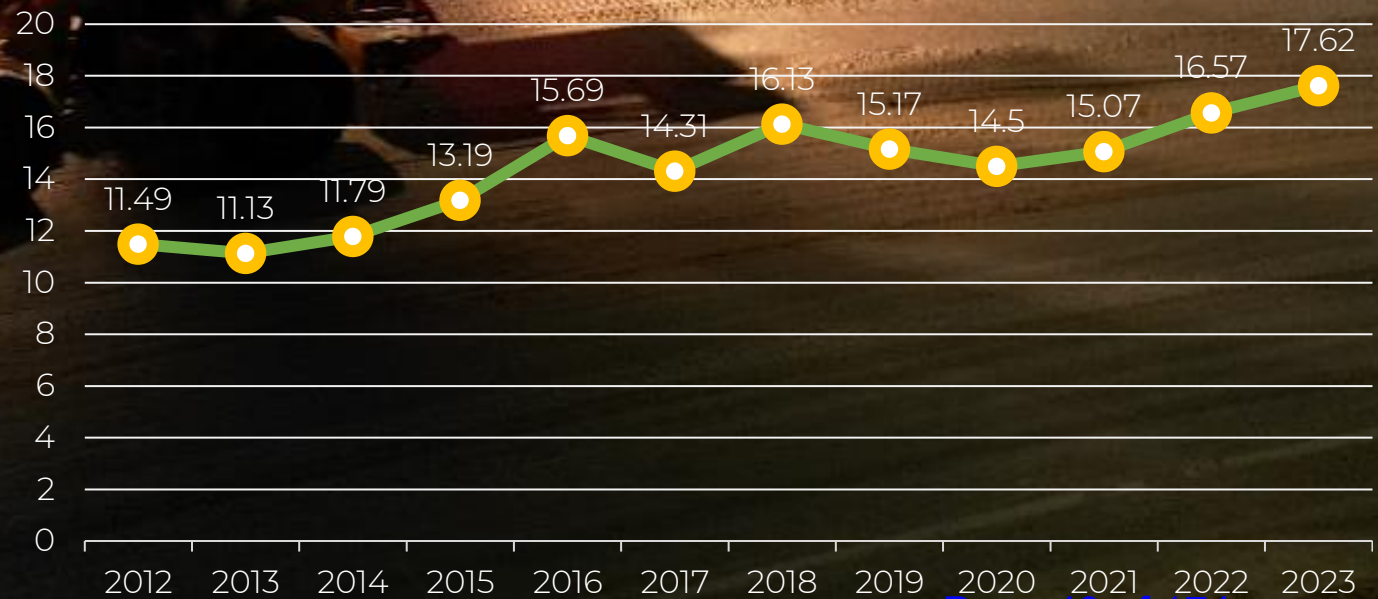
Fleet Costs
Fleet Maintenance

+35%

Statewide
Diesel Costs

+11%

Personnel
Labor Costs



State Average Cost Per Mile (Plowing)



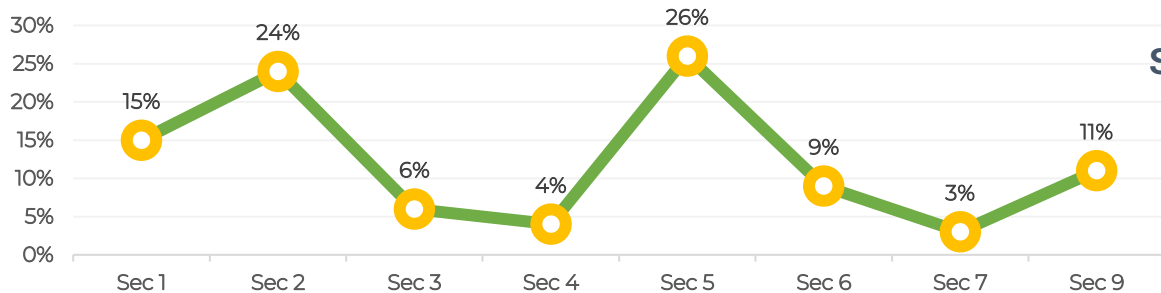
Winter Season 22/23

Overtime

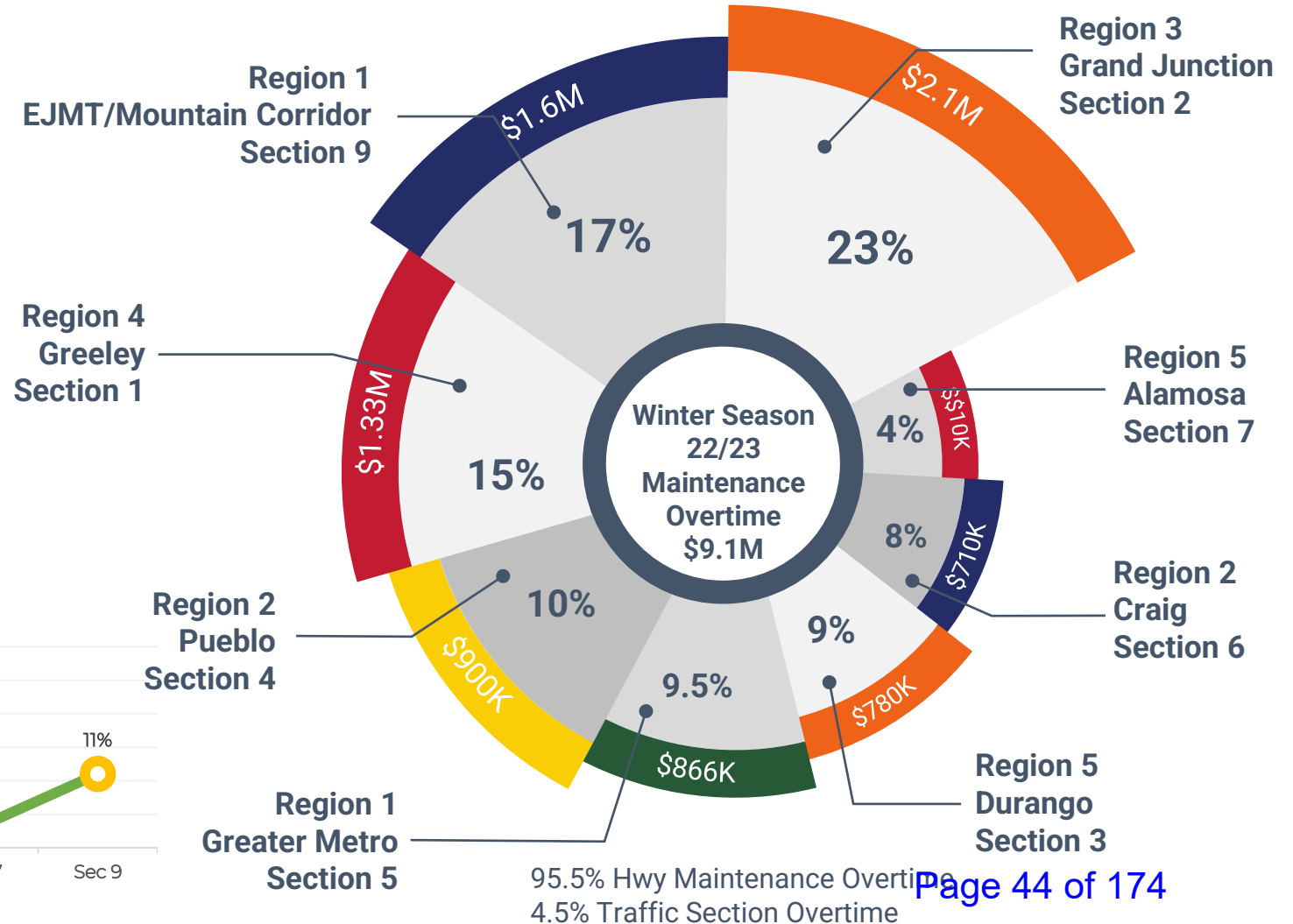
Over costs are built into the budget by a 10% factor.
However, we far exceed the 10%:

- 1 Crews Work 12.5 hours snow shifts – 4 hours of every snow shift is coded as overtime on weekdays. Weekends and Holidays are coded as straight overtime.
- 2 Due to staffing shortages, we often staff more maintenance supervisors to backfill vacant positions, their overtime costs are greater on average.
- 3 Winter operations reduce available time to conduct preventative maintenance repairs. Lowers levels of service.
- 4 Increased Vacancy Rates require more overtime by higher paid employees (Mechanics, Engineers, Management)

FY23 Avg Vacancy Rate By Section



Overtime Usage Oct 1, 2022 – Mar 31, 2023





Big Snow Brings Fast Water!

- 1 High country crews have shifted to flood mitigation efforts.
- 2 R3 and R5 have several flood damaged roadways
- 3 Winter operations continue at the EJMT and Vail Pass throughout May.
- 4 Front Range Culvert Cleaning Crews
Font Range Pavement Repair Teams



Discussion



Thank you for the continued support of our maintainers!

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: Allie Axley, ITS Branch Manager

DATE: May 2023

SUBJECT: Updates on Proposed Fee Based ROW Access for Fiber

Purpose

CDOT is providing an update on the proposed, simplified fee structure and improved process to facilitate access to CDOT rights of way for the deployment of broadband as mandated by Colorado Executive Order D-2022-0023 and Senate Bill 22-083.

Action

No action at this time, this memo is informational.

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 the March 2023 TC workshop, the ITS Fiber Development Manager provided detail on the method used for developing a simplified fee structure based on collaboration from all five CDOT regions, the formula created for suggested rates based on months-long research of other DOT broadband programs, and the process improvements recommended to provide more efficient ROW access for the deployment of broadband.

In April 2023, the program intended to request action on the proposed fee structure. After receiving comments on the structures days before the meeting, the program asked to remove the approval from the agenda. A small subcommittee of commissioners volunteered to help with reviewing the received comments on the proposed fee structure.

The subcommittee met on May 2, 2023 and May 9, 2023. The subcommittee will also meet the morning of May 17 and prepare additional information to update the entire Transportation Commission in the afternoon workshop. In this informational presentation, we will summarize the subcommittee meetings and a proposed revision to the fee structure present in March 2023's Transportation Commission workshops.

Next Steps

The ITS Fiber Development Team will return with a more robust workshop in June to review and request action on a proposed fee structure for right of way access.



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Department of Transportation

ITS Fiber Program Fee Structure for ROW use May 15, 2023

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Agenda

- **Revision to Proposed Fee Structure**
- **Proposed Next Steps**



Developing a Fee Structure: Why? and How?

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.

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

Goal: Streamline the existing process!



How the Fee Structure was Developed: Initially Proposed Structure & Rates

(((Average Across-the-Fence value + Corridor Fee) * Property Use Fee) + MLOS + AILF) * Construction Engineering & Indirects

$$\text{Interstates} = (((\$2.35 + 2\%) * 10\%) + \$0.39 + \$0.13) * 26\% = \$0.96/\text{ft}$$

$$\text{US Routes} = (((\$1.76 + 2\%) * 8\%) + \$0.39 + \$0.13) * 26\% = \$0.84/\text{ft}$$

$$\text{State Highway} = (((\$1.32 + 2\%) * 6\%) + \$0.39 + \$0.13) * 26\% = \$0.76/\text{ft}$$

Considerations:

- Goal: Streamline existing process for ROW access
- Simple and consistent
- Annually applied fee
- 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



Proposed Revision to Fee Structure

(((Average Across-the-Fence value + Corridor Fee) * Property Use Fee) + MLOS + AILF) * Construction Engineering & Indirects

Proposed Revision

<u>One Time Install Fee</u>		<u>Annual Fee</u>	
Interstates	= 26% = \$0.11/ft	Interstates	= ((((\$2.35 + 2%) * 10%) + \$0.13 + \$0.06) = \$0.43/ft
US Routes	= 26% = \$0.09/ft	US Routes	= ((((\$1.76 + 2%) * 8%) + \$0.13 + \$0.06) = \$0.33/ft
State Highway	= 26% = \$0.07/ft	State Highway	= ((((\$1.32 + 2%) * 6%) + \$0.13 + \$0.06) = \$0.27/ft

- Move Administration Costs to one-time upfront payment, and
- lower MLOS from an assumed ROW impact of 3-ft wide to 1-ft wide (\$0.39 to \$0.13/ft)
 - Reduce AILF to have of MLOS value (\$0.13 to \$0.06/ft)

This reduces the annual fee 55-64% from what was originally proposed and separates the administrative burden in to a one time payment, up front.



Proposed Revision to Fee Structure

(((Average Across-the-Fence value + Corridor Fee) * Property Use Fee) + MLOS + AILF) * Construction Engineering & Indirects

Proposed Revision

One Time Install Fee

Interstates = 26% = \$0.11/ft
 US Routes = 26% = \$0.09/ft
 State Highway = 26% = \$0.07/ft

Overhead / Administrative

The intent of this component is to cover costs associated with permit processing, project administration, inspections and specialty reviews.

Annual Fee

Interstates = ((((\$2.35 + 2%) * 10%) + \$0.13 + \$0.06) = \$0.43/ft
 US Routes = ((((\$1.76 + 2%) * 8%) + \$0.13 + \$0.06) = \$0.33/ft
 State Highway = ((((\$1.32 + 2%) * 6%) + \$0.13 + \$0.06) = \$0.27/ft

Value and Maintenance

The intent of these components is to fund typical maintenance activities that enable access to CDOT ROW for fiber installations. All activities that ensure management, accessibility and maintained pathways including roadway surface, structure maintenance, snow removal, erosion control, mowing, etc.

Contingency pool

The intent of this component is to have a funding source available should there be any safety or operational concerns with the installed infrastructure.



Points of Clarity

- The Fee structure will be adjusted annually based on Consumer Pricing Index (CPI)
 - When a company applies for a permit, the year they receive their initial permit will be the rate they lock in for the remainder of annual payments
- CDOT can and will be flexible about offering multiple years of payment up front
 - Ex: An option to pay the first 10-years within first permit application
 - Colorado Broadband Office (CBO) has informed stakeholders that grant programs can be applied to the ROW fee structure
- The Unsolicited Proposal process and opportunity to compensate CDOT for the use of the ROW with in-kind infrastructure is and will remain available.



Points of Clarity

- Every three years, CDOT will evaluate our rates compared to neighboring states and the tenth circuit DOTs to ensure CDOT's approach stays aligned and comparable.
- Every year, CDOT will re-evaluate the administrative burden, maintenance costs, and abandonment risks associated with the fee structure.



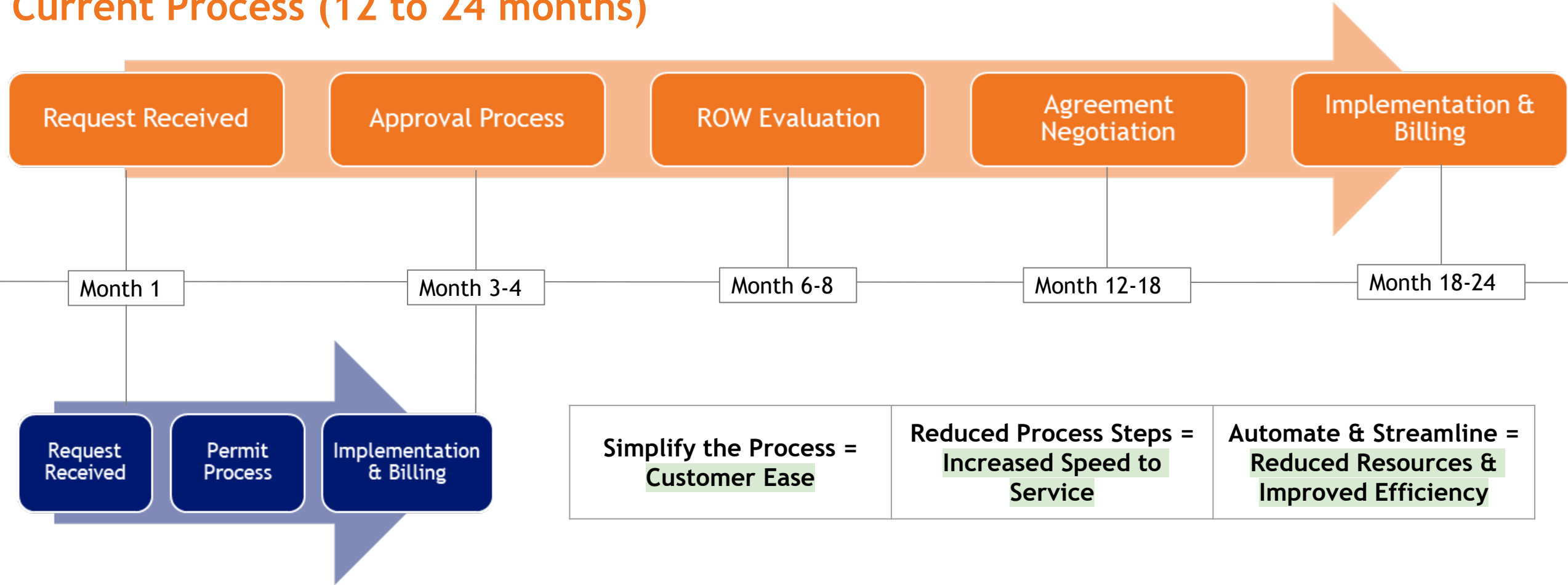
- Major Themes:

- The existing Unsolicited Proposal process remains, it is and will continue to be an active option for accessing CDOT ROW.
 - Existing agreements are in place and partners are compensating CDOT for the use of ROW.
- Cost prohibitive in Rural Areas, impede Broadband deployment
- Delay in delivering a fee structure by August 30, 2022 (EO)
- Unclear how the funds will be allocated
- Arbitrary and lack consistency
- Desire a one-time fee consistent with cities and counties
- Fair Market Value vs Cost Based TABOR (aligning with State and Federal regulation)



Improved Process Current vs Proposed

Current Process (12 to 24 months)



COMING SOON! Proposed Process (3 to 4 months)

*All timeframes vary based on staffing and request volumes



Potential Next Steps

- Response to Public comment
- Workshop in detail at June TC
- Request Approval to resolution at June TC

**Colorado Transportation Commission
Audit Review Committee Agenda
Wednesday, May 17, 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 March 15, 2022 Minutes	p. 1
3.	External Audit Team Results and Plan	Verbal
4.	Cyber Security	Verbal
5.	Financial Security	Verbal
6.	Peer Review	Verbal

THE AGENDA MAY BE ALTERED AT THE CHAIR'S DISCRETION

DRAFT Transportation Commission (TC) Meeting Minutes

Workshops and Regular Meeting Wednesday, April 19-20, 2023

TRANSPORTATION COMMISSION WORKSHOPS

Wednesday, April 19, 2023

<https://www.youtube.com/watch?v=hjukKf3zcxI>

Call to Order, Roll Call – Timestamp 00:00:35

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

Joint Lunch with Colorado Aeronautical Board (David Ulane) Timestamp 00:05:23

Purpose and Action: At noon on April 19th, the TC and Colorado Aeronautical Board (CAB) held their annual joint lunch, prior to their respective meetings. Current CAB members and their roles/areas are: Ken Maenpa, Chair representing the Western Slope; Kent Holsinger, Vice Chair representing the Western Slope; Mark VanTine, Secretary At Large; Daniel Melia, representing the Eastern Plains; Charles “Chaz” Tedesco, representing the Eastern Plains; Trimbi Szabo, of the Pilots Association; and Steve Lee, of the Airport Managers Association.

The two Boards (the TC and CAB) met to discuss multimodal statewide transportation matters. The Aeronautics Director, David Ulane, provided the group an overview of the Aeronautics Division’s mission and current initiatives. This presentation was for informational purposes only, no TC action was required.

Discussion:

- CDOT Division of Aeronautics does not receive federal, general, or CDOT funding. The Division is funded by the three aviation taxes collected by the state of Colorado. The federal airport improvement grant funds in Colorado go directly to the airports in the state.
- One of the biggest challenges is the swing in revenue year-to-year being hard to predict; as the volume of traffic that comes into the state and the price of fuel fluctuates year-to-year.
- Denver International Airport (DIA) went from the 19th busiest in the world to the 3rd busiest in the world, recovering faster than any other airport of its size in the world.
- Colorado Discretionary Aviation Grant (CDAG) allows the board of the Aeronautics Division to provide infrastructure, planning, safety, and other grants, to all 66 airports in the state of Colorado.
- Aviation education is a portion of what the aviation division was tasked with.
- Battery and electric powered aircraft, hydrogen powered aircraft, and other alternative fuel sources are a few ways that Colorado is looking to reduce its GHG emissions from the aviation industry. Other positives of these alternatives are to create quieter places, and reduce costs of overall expenditures.
- Colorado Remote Tower Traffic Control (Loveland) will use cameras to help assist in traffic control without having to build an expensive tower for each airport. COVID has delayed the testing of the facility, but testing is on schedule again to be the only remote traffic control tower in the country.

Budget Workshop (Jeff Sudmeier and Bethany Nicholas) Timestamp 01:17:31

Purpose and Action: To review the fourth budget amendment to the FY 2022-23 Annual Budget in accordance with Policy Directive (PD) 703.0. The Division of Accounting and Finance (DAF) is requesting the TC to review and adopt the fourth budget amendment to the FY 2022-23 Annual Budget, which consists of two items that require TC approval, and one informational item. The fourth budget amendment reallocates \$19.6 million from the Commission Reserve Funds line (Line 73) to the Maintenance Program Areas line (Line 23) and reallocates \$8.0 million from the Commission Reserve Funds line (Line 73) to Surface Treatment (Line 4) for a pavement project in Region 4.

In addition, the Environmental Justice and Equity (EJE) Branch presented 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. Currently, CDOT Staff is requesting TC approval of Proposed Resolution #3 to Increase CDOT's FTE Cap Based on EJE Branch Staffing Needs.

Discussion:

- The TC members had no specific concerns regarding the Budget Workshop Topics.

Region 4 Update (Rich Christy) Timestamp 02:04:58

Purpose and Action: The purpose of this presentation is to provide the TC with an update on six projects underway in Region Four; (1) US 385 North of Cheyenne Wells, (2) US 385 Phillips County Line South, (3) US 385 Holyoke North, (4) US 85 & WCR 44 (Peckham), (5) CO 71 Freight Improvements, and (6) CO 119 Safety & Mobility Improvements. These projects showcase a diversity of project types from rural pavement preservation and safety improvements, to enhancements which provide options in addition to the interstates for the freight operators, to multimodal elements to connect communities. No action was required.

Discussion:

- TC members had no issue to discuss with the presentation.

Right of Way Fiber Access (Allie Axley and Jonas Durham) Timestamp 02:22:30

Purpose and Action: CDOT is proposing authorization to implement a simplified fee structure and improved process to facilitate access to CDOT rights of way for the deployment of broadband as mandated by Colorado Executive Order D-2022-0023 and Senate Bill 22-083. CDOT seeks to have the TC approve the annual fee structure as presented in the March TC Workshop and as requested in TR-16, which aligns with federal and state regulations; is consistent with other DOT rates; and compensates CDOT for the operation and maintenance expenses incurred from allowing Public and Private entities to use CDOT rights of way for the deployment of broadband.

Discussion:

- The TC members were happy with the response from the public and happy to see how engaged people are with the proposed fee structure for fiber in CDOT right-of-way that is proposed.

Tour of Golden Traffic Operations Center

Adjournment: Approximately 5:00 pm

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

Thursday, April 20, 2023

<https://www.youtube.com/watch?v=qgLuyRzx8Tg> **Timestamp 00:00:30**

1. Call to Order, Roll Call

All Ten Commissioners were present: Commissioner Gary Beedy (TC Chair), Lisa Tormoen Hickey, Karen Stuart, Kathleen Bracke, Eula Adams, Yessica Holguin, Terry Hart, Kathy Hall, Mark Garcia, and Barbara Vasquez. Commissioner Don Stanton moved out of state, and Commissioner Beedy is now serving as TC Chair until the new fiscal year begins on July 1, 2023.

2. Open Public Hearing for FY 24-27 STIP Timestamp 00:00:10

- Commissioner Beedy formally opened the Public Hearing for the FY 2024-2027 STIP
- Jamie Collins, CDOT STIP Manager, introduced the STIP and noted:
 - The public comment period opened on April 5 and will close on May 10. No RSVPs were received for comment this morning. CDOT has received comments from planning partners and internal staff pertaining to technical corrections for projects included in the STIP. Most of those have been addressed at this time, and am currently working with Asset Management to resolve their comments.

4. Public Comments Timestamp 00:01:15

- Angela James Folkestad, PE | CO/WY Chapter – American Concrete Pavement Association
 - Colorado needs 2 healthy paving industries (concrete & asphalt) in order to drive the competition between pavement industries that is essential to keep pricing in check. There is currently no competition since CDOT's program is 100% asphalt for 2023. No concrete pavement projects have been advertised, and this is not good for CDOT or the taxpayers of Colorado.
 - There are concrete pavement solutions that can be implemented that will provide much longer performance without costing dramatically more than the asphalt option – and we need to consider those. It is essential to the long-term health of our transportation system – and to CDOT's budget.
 - Please leverage the funding that we all contribute as taxpayers to drive competition between pavement industries and build for sustainability and resiliency. Thank you.

5. Comments of the Chair and Individual Commissioners Timestamp 00:03:44

- Several Commissioners recognized and thanked John Lorme and Bob Fifer for the tour they provided of the CDOT Golden Traffic Operations Center (TOC).
- Two Commissioners, Stuart and Adams attended the CTIO BOD retreat.
- Commissioners Vasquez, Adams, and Bracke noted the importance of the work of the Environmental Justice and Equity Branch at CDOT.
- Commissioner Hall met in person versus remotely with individual county commissioners of the 11 counties and cities within the counties of her District, and noted the positive effects of meeting in person. Mentioned record snowfall in her area and the vast amount of plowing that took place on just one highway (CO 65).
- Commissioner Hart expressed his appreciation to CDOT staff and TC members for being sensitive to the fiber issue. The Pueblo area is very dry, and it could use moisture gathered in Mesa County.
- Commissioner Stuart noted that the CTIO Board would like a tour of the I-25 North project and the Burnham Yard. The Highway 7 Coalition is very active, and will be doing a tour of Highway 7, next Friday. Would like the TC to come along for future tours of CO 7.

- Commissioner Holguin recognized Jessical Myklebust, CDOT Region 1 Transportation Director (RTD) for the Remembrance Day event held yesterday. All of us need to understand that security and safety is everyone's responsibility.
- Commissioner Garcia had a great winter that was long, but dealing with runoff on CO 115 that is closed. In general, we are dealing with spring runoff. Attended TPR meetings in his District and is working on fiber issues.
- Commissioner Adams noted that the CAB aeronautics lunch was very insightful. He appreciates attending STAC meetings as he learns a lot from them.
- Commissioner Bracke recognized the tremendous work along North I-25, and the presentation given by Rich Christy of Region 4 yesterday. She appreciated the request by CDOT staff to fund winter maintenance activities due to the heavy snowfall this winter.
- Commissioner Hickey welcomed Commissioner Beedy as Chair. Region 2 is starting its largest construction season ever. Stressed and cautioned that people need to be careful to be safe on the roadways. Attended the Central Front Range Transportation Planning Region meeting. A Fiber Subcommittee of the TC is good with coordination with the local communities. This subcommittee may propose some policy to guide fiber related activities. A study of where to place a train station for Front Range Rail is occurring, with more details to be worked out and consideration of economic development benefits.
- Commissioner Beedy provided an agricultural update and noted folks to watch for farm equipment on the roads out east. The Eastern TPR area still needs moisture, especially in the southeast area of the state.
- Written comments received:
 - request for CO 93 widening
 - Icy conditions exist from Kansas to Limon along I-70
 - Right-of-way fiber fees comment
- Commissioner Beedy is looking forward to the Eastern TPR 4P meetings.

6. Executive Director's Management Report (Shoshana Lew) Timestamp 00:30:14

- Director Lew praised the CDOT Team for their incredible work and dealing with transitional seasons and pleased to see widespread support for additional funding for maintenance in the heavy winters for areas like Vail Pass, Berthoud Pass.
- CDOT is resuming work on the multi-year projects such as Vail Pass, i-25 work, rural roads, i-70 bridges out of Denver, resuming a number of the additional 10-year plan projects. Lew reiterated what was said about being careful around the cone zones as that comes into play.
- This week is safety and awareness week, and she expressed a general appreciation for those who participated and Remembrance Day for CDOT employees, and noted that this is a serious issue for everybody who utilizes the roadways.

7. Chief Engineer's Report (Keith Stefanik) Timestamp 00:33:18

- Christine Reese, the CDOT Headquarters Right-of-Way Manager was recognized for her work at CDOT, and who is retiring at the end of April. Christine Reese was very instrumental in development of a lot of the right-of-way manuals, and worked with a lot of the Region staff and responded to right-of-way requests.
- CDOT Region 1 Business Officer Lillian Bourne unexpectedly passed away, and he also noted CDOT Remembrance Day, and Safety & Awareness Week.
- A recap was provided regarding the Office of State Auditor hearing on the Alternative Delivery Program Audit that was an extensive audit process that took place over a 16 month period. The audit is up on the website with a key highlight sheet. A lot of the audits' findings had policies and procedures already in place to implement those recommendations.

- It is very important for our workers, not only CDOT staff, but also for the contractors doing construction work on the roads, that users/drivers along work zones stay diligent on the roads. CDOT needs to do what they can to make sure that work zones are safe for everyone.

8. Colorado Transportation Investment Office (CTIO) Director's Report (Nick Farber) [Timestamp 00:37:38](#)

- A CTIO Board Retreat occurred with Commissioner Adams the past Tuesday at the Floyd Hill Construction Office. This was the first board retreat in five years. Part of the retreat included a request for tours of I-25 North and a tour of Burnham Yard, along with an eventual tour of the Safety Enforcement Program as it rolls out.
- A communications update on how to communicate the Central 70 tolls and plans for the SouthGap toll lanes to go live along with the safety enforcement program.
- The CTIO is updating their Procurement Policy. Based on lessons learned from the ROADIS unsolicited proposal, the CTIO proposal policy now is requiring only electronic submissions. Other details of changes in the proposal process for Phase 2 were also explained. CTIO is increasing the price of Phase 2 proposals from \$50K to \$60K.

9. FHWA Division Administrator Report (John Cater) [Timestamp 00:44:21](#)

- Nationally there are special federal requirements for large projects costing over \$500 million. In Colorado there are two projects that have undergone significant milestones recently:
 - I-70 Floyd Hill completed their Project Management Plan and Financial Plan
 - Central 70, for over \$1 billion, completed its financial plan as the last step for a project that was completed on time and on budget.
- Work Zone Safety and Remembrance Day were held this week. John attended both the CDOT Region 2 and Region 1 remembrance events. Also, Colorado State Patrol and Contractors have experienced loss of workers during work hours.
- Recognized and thanked John Lorme for the tour of the Golden TOC.

10. Statewide Transportation Advisory Committee (STAC) Report (Vincent Rogalski) [Timestamp 00:47:35](#)

- Last STAC held on April 6 that covered:
 - Update on grant programs - one for wildlife crossings with applications due August 10, and Safe Streets for All (SS4A) with applications due July 10.
 - Chief Engineer Keith Stefanik provided an overview of an audit and noted that 7 key findings are being addressed by CDOT.
 - A Bus Rapid Transit (BRT) presentation was provided and concerns were raised over the potential risks to CDOT building this type of infrastructure and STAC questions arose surrounding who would be responsible to operate and maintain such a system.
 - Discussed the proposed Fee-Based system for fiber installation in CDOT right-of-way.
 - Small Business Enterprise and Diversity Committee meet and lots of good work is being done.
 - The Legislative Report covered HB 23-1101 concerns with TPR boundary changes. Two Conference Committees will occur to discuss changes to text in the bill. Other relevant bills were discussed with the STAC members such as a bill to double fines to speeding heavy trucks on steep slopes, and SB 23-268 that requires more reporting for the 10-Year Plan.
- Updates on Revitalizing Main Streets Program and Multimodal Transportation Mitigation and Options Fund (MMOF) program. Concerns over extensions required need to submit these requests now.
- Freight Plan Update provided for an update of the 2019 Colorado Freight Plan, which will feed into the 2050 Statewide Transportation Plan.
- CDOT Region 4 provided project updates on major projects.

11. Legislative Report (Emily Haddaway) Timestamp 00:58:57

- Four key bills on the floor she's currently tracking. One of the bills is the Automatic Vehicle Information system bill (Red Light Camera bill).
- The Bridge & Tunnel Enterprise bill has fully passed through the House and is moving in the Senate Transportation committee next Monday.
- The EV Charging Bill, that allows EV Charging stations along the CDOT right-of-way just went through the Senate Transportation committee yesterday after fully passing through the House so it should be on the Senate floor soon.
- Regarding House Bill 23-1101 (Ozone Season Transit Grant Program Flexibility) no changes to the language since the version was last sent. Earlier this week was the second conference committee to adopt the proposed language with few changes. One change is adding freight movement as one of the criteria, changing the transit corridors we study to be existing transit corridors and removing a section about studying the membership of STAC. That has passed the senate unanimously.
- The Hazardous Material Mitigation bill was in the Senate Finance Committee earlier this week. CDOT has concerns with parts of the bill. CDOT is monitoring this bill closely.
- An update on the 10-Year Plan bill has passed the Senate and is moving to the House next week.
- Status on the SB 23-213 Land Use bill was provided. The bill went through committee again this week just for action only and for amendments. One piece of the bill includes MPOs and local governments being added to the multi-agency advisory committee that is tasked with creating the strategic growth objectives.
- The Mechanisms for Federal Infrastructure Funding bill has a call-out to CDOT. The majority of the bill is to provide IJIA match funds for different state agencies so there's \$86 million set aside for that. In addition there is a transfer of \$5 million from the general state highway fund for CDOT and that is for particularly rail infrastructure projects.

12. Act on Consent Agenda Timestamp 01:07:35

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

- Proposed Resolution #1: Approve the Regular Meeting Minutes of March 16, 2023
- Proposed Resolution #2: IGA Approval >\$750,000
- Proposed Resolution #3: Resolution to increase CDOT's FTE Cap
- Proposed Resolution #4: Floyd Hill Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA)
- Proposed Resolution #5: Adoption of Policy Directive 1209.0 "Housing Assistance"
- Proposed Resolution #6: Disposal: I-70 Parcel 21-EX Timber Ridge
- Proposed Resolution #7: Disposal: I-70 Parcel 29-Rev3-EX West Middle Creek
- Proposed Resolution #8: Disposal: Parcel 32-EX Englewood

13. Discuss and Act on Proposed Resolution #9: 10th Budget Supplement of FY 2023 (Jeff Sudmeier and Bethany Nicholas) Timestamp 01:08:24

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

14. Discuss and Act on Proposed Discuss and Act on Resolution #10: Annual FY 2022-23 Budget Amendment (Jeff Sudmeier) Timestamp 01:10:00

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

15. Discuss and Act on Proposed Resolution #11: I-25 North TIFIA Loan Approval (Piper Darlington and Nick Farber) Timestamp 01:13:49

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

16. Discuss and Act on Proposed Resolution #12: Adopt Proposed Changes to 2 CCR 601-1A, State Highway Access Category Assignment Schedule (Herman Stockinger, Sari Weichbrodt, and Daniel Roussin) [Timestamp 01:17:53](#)

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

17. Discuss and Act on Proposed Resolution #13: Adopt Proposed Changes to 2 CCR 605-1, State Infrastructure Bank Rules (Herman Stockinger, Sari Weichbrodt, and David Ulane) [Timestamp 01:19:34](#)

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

18. Discuss and Act on Proposed Resolution #14: Fee Based Right-of-Way Access for Fiber (Jonas Durham and Allie Axley) [Timestamp 01:20:48](#) Pulled from agenda for additional public comment.

19. Recognitions (Darius Pakbaz, Jane Hann, and Troy Halouska) [Timestamp 01:21:00](#)

- Josh Cohen in Region 3 recognized for work in Glenwood Canyon after the Grizzly Creek Fire.

2022 Environmental Award Winners:

- **Innovative Environmental Process**
- CDOT Historic Sites Viewer, Submitted by: Barbara Stocklin-Steely, Region 1 Historian
 - Team Members Involved: Lauren Cooper, CDOT Historian HQ; Jamie Shapiro, CDOT Historian Region 1; Nick Mesenbrink, CDOT GIS Analyst HQ; Lisa Schoch, CDOT Cultural Resources Section Manager HQ; Hannah Braun, CDOT Historian HQ; Barbara Stocklin-Steely, CDOT Historian; Megan Brown, CDOT Intern Region 1; Jason Marmor, CDOT Historian Region 4
- **Maintenance Team**
- Post Construction Temporary Control Measure (PCTCM) Removal, Submitted by: Vanessa Santistevan
 - Team Members Involved: Paul Juszczak, Water Quality Region 4; Nick Schipanski, Water Quality Region 4; Nick Mesenbrink, GIS Analyst HQ; Kristyn Crow, Water Quality HQ; Michael Apps, Maintenance Region 4; Gregory Gaulin, Maintenance Region 4
- **Special Contributor**
- Greg Wolff Exceptional Commitment to CDOT's Archaeology Program, Submitted by: Hannah Braun, CDOT Historian HQ
- **Project**
- I-70 Glenwood Canyon Colorado River Debris Flows Removal Project Submitted by: Roland Wagner
 - Region 3 Program Engineer Team Members Involved: Graham Riddile, CDOT PE 1 Region 3; Todd Ipsen, CDOT PE 1 Region 3; Jason Huddle, Environmental Manager Region 3; numerous other CDOT engineering, environmental and specialty staff; IHC Scott civil contracting team; Dan Woolley, USFS; Mark Weinhold, USFS; other USFS staff and other regulatory agencies.

20. Other Matters (Gary Beedy, Darius Pakbaz, and Jamie Collins) [Timestamp 01:51:28](#)

- Close STIP Hearing
 - The Public Hearing for the FY 2024-2027 STIP was formally closed. Jamie Collins thanked the TC and the public for their time and explained that she would be back in May to request their adoption of the FY2024 - FY2027 STIP. No comments were received during the Public Hearing.

17. Adjournment - Approximately 10:53 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: May 4, 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 Commission approval of the projects identified on the IGA Project List including all documents necessary to further these projects except where there are substantial 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



Proposed Resolution #2

Authorizing CDOT to execute Intergovernmental Contracts, Amendments, and Option Letters over \$750,000 of the projects specified below.

Approved by the Transportation Commission on May 18, 2023.

WHEREAS, pursuant to Colorado law at Section 43-1-110(4), C.R.S. the executive director or the chief engineer shall represent the department in negotiations with local governmental entities concerning intergovernmental agreements (IGAs) between the department and local governmental entities to implement the provisions of this article. No IGAs involving more than \$750,000 shall become effective without the approval of the commission.

WHEREAS, CDOT seeks to have the commission approve IGAs contracts identified in the attached IGA Approved Projects list each of which are IGAs greater than \$750,000.

WHEREAS, 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; and

WHEREAS, the Transportation Commission acknowledges that it has reviewed the IGA summary in the consent packet, which included all information necessary; and

WHEREAS the Transportation Commission has determined that the projects will serve the public interest and/or convenience of the traveling public and that the approval of the projects described in the report will serve the purpose(s) of the project; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and/or convenience will be served by approving the contracts identified in the attached IGA Approved Projects list and CDOT is authorized to execute all documents necessary to further these projects except that substantial changes to the project and/or funding will need to be reapproved.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

May 2023- IGAs > \$750,000

Region	Project Number(s)	Agency	Contract Value	Federal \$	State \$	Local \$	Description
R1	22364	Evergreen Parks & Recreation	\$4,578,000.00	\$3,428,000.00	\$200,000.00	\$950,000.00	Evergreen Parks & Recreation AM 1 - Evergreen North Lake Trail This Amendment 1 increases funding by \$400,000.00 to a new total budgeted funds of \$4,578,000.00. Total Funds \$4,578,000.00
	24687	Littleton	\$3,100,000.00	\$2,790,000.00	\$0.00	\$310,000.00	Littleton OLA - Broadway at Mineral Intersection Improvement Total Funds \$2,944,500.00
	25416	Littleton	\$3,330,000.00	\$1,035,000.00	\$1,665,000.00	\$630,000.00	Littleton OLA - County Line Rd Shared Path Broadway-High Line Canal Trailhead Total Funds \$3,330,000.00
	25527	Thornton	\$2,118,100.00	\$1,906,290.00	\$0.00	\$211,810.00	Thornton OLA - Signal Upgrades (22 Locations) Total Funds \$2,118,100.00
	25639	Thornton	\$1,710,000.00	\$1,538,000.00	\$0.00	\$172,000.00	Thornton OLA - Bike-Pedestrian Trail Study Pre-Construction Total Funds \$1,710,000.00
R2	24722	Colorado Springs	\$5,749,525.00	\$4,726,198.00	\$0.00	\$1,023,327.00	Colorado Springs AM 1- 31st and Fontanero Bridge Work This Amendment 1 increases funding by \$1,212,614.00 to a new total budgeted funds of \$5,749,525.00. Total Funds \$5,749,525.00
	25540	Colorado Springs	\$1,625,000.00	\$1,300,000.00	\$0.00	\$325,000.00	Colorado Springs OLA - Water St. Bridge over Camp Creek Total Funds \$1,625,000.00
	22973	El Paso County	\$2,601,525.00	\$2,081,220.00	\$0.00	\$520,305.00	El Paso County AM 1 - Big Sandy Creek Bridge

							Replacement This Amendment 1 increases funding by \$1,177,775.00 to a new total budgeted funds of \$2,601,525.00. Total Funds \$2,601,525.00
R3	25372	Breckenridge	\$1,350,000.00	\$0.00	\$675,000.00	\$675,000.00	Breckenridge OLA - Blue River Recreation Path Total Funds \$1,350,000.00
	25358	Glenwood Springs	\$1,458,750.00	\$0.00	\$1,167,000.00	\$291,750.00	Glenwood Springs OLA - East 6th Street from Laurel to Pine Street Total Funds \$1,458,750.00
	25359	Grand Junction	\$1,250,000.00	\$0.00	\$1,000,000.00	\$250,000.00	Grand Junction OLA - Improvements to Crosby Avenue in Grand Junction Total Funds \$1,250,000.00
	25362	Minturn	\$1,752,500.00	\$0.00	\$1,402,000.00	\$350,500.00	Minturn OLA - Main Street Pedestrian Improvements to the Pedestrian Network Between Downtown Minturn and South Minturn Total Funds \$1,752,500.00
	25365	Rifle	\$2,250,000.00	\$0.00	\$1,800,000.00	\$450,000.00	Rifle OLA - Pedestrian and Bike Improvements at the Intersections of Centennial Parkway, White River Avenue and SH 13 Total Funds \$2,250,000.00
R4	23934	Fort Collins	\$3,964,496.00	\$1,232,248.00	\$750,000.00	\$1,982,248.00	Fort Collins AM & R1 - Northwest Elizabeth Corridor Study This Amendment & Restatement 1 increases funding by \$2,464,496.00 to a new total budgeted funds of \$3,964,496.00. Total Funds \$3,964,496.00
	23946	Fort Collins	\$2,345,194.00	\$542,074.00	\$707,926.00	\$1,095,194.00	Fort Collins AM & R1 - Siphon Overpass Project This Amendment & Restatement 1 increases funding by \$1,345,194.00 to a new total budgeted funds of

							\$2,345,194.00. Total Funds \$2,345,194.00
	25389	Larimer County	\$1,333,333.00	\$206,798.00	\$793,202.00	\$333,333.00	Larimer OLA - Larimer County Road 70 Shoulder Widening. Total Funds \$1,333,333.00
	21995	Windsor	\$4,596,833.00	\$3,830,175.00	\$145,658.00	\$621,000.00	Windsor AM3 - Eastman Park Intersection Project This Amendment 3 increases funding by \$2,37,762.00 to a new total budgeted funds of \$4,596,833.00 Total Funds- \$4,596,833.00



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MAY 25, 2023
SUBJECT: DISPOSAL OF SH 50 PARCEL 1-EX

Purpose

CDOT Region 3 is proposing to dispose of Parcel 1-EX, comprising 10,759 sq. ft. (0.247 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Action

CDOT Region 3 is requesting a resolution, in accordance with C.R.S. 43-1-210, approving the disposal of 10,759 sq. ft. (0.247 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

Parcel 1-EX was originally acquired in 1957 as part of Project F019-1(4). The owner of the only adjacent property has expressed a desire to purchase the property for fair market value.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell Parcel 1-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



Proposed Resolution #3

Disposal: SH 50 Project # F019-1(4); Parcel # 1-EX; SH 50, Grand Junction, CO

Approved by the Transportation Commission on May 25, 2023.

WHEREAS, CDOT acquired Parcel 1-EX in 1957 as part of Project # F019-1(4); and

WHEREAS, Parcel 1-EX is located in Grand Junction, Colorado, near MM 32.6-32.7 on SH 50; and

WHEREAS, Parcel 1-EX consists of 10,759 sq. ft. (0.247 acres); and

WHEREAS, Region 3 has determined Parcel 1-EX is no longer needed for transportation or maintenance purposes; and

WHEREAS, there is only one property owner adjacent to parcel 1-EX; and

WHEREAS, the adjacent property owner has expressed a desire to purchase Parcel 1-EX; and

WHEREAS, in accordance with (C.R.S) 43-1-210(5)(a)(I) when there is only one adjacent property owner to an excess parcel, that owner shall have the First Right of Refusal to purchase the excess property; and

WHEREAS, CDOT wishes to dispose of Parcel 1-EX for fair market value to the adjacent owner; and

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) Department of Transportation be given authority to declare Parcel 1-EX as excess property and sell the 10,759 sq. ft. (0.247 acres) that is no longer needed for transportation purposes for fair market value.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: KEITH STEFANIK, P.E. CHIEF ENGINEER
DATE: MAY 25, 2023
SUBJECT: DISPOSAL OF PARCEL 78 REV-EX

Purpose

CDOT Region 1 is proposing to dispose of Parcel 78 Rev-EX, comprising 19,880 sq. ft. (0.456 acres) of right of way 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 and 23 C.F.R. 710.403(e)(1) approving the disposal of 19,880 sq. ft. (0.456 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

CDOT acquired Parcel 78 in 1957 as part of Project # C_51-0101-03. In 2020, CDOT sold a portion of parcel 78, which reduced the size to the square footage of the current Parcel 78 Rev-EX. The only owner adjacent to 78 Rev-EX is Clear Creek School District. Clear Creek Middle School's track field partially encroaches onto Parcel 78 Rev-EX, and the district desires to acquire Parcel 78 Rev-EX, for nominal value, for the continued use of the track field.

Next Steps

Upon approval of the Transportation Commission, CDOT will convey Parcel 78 Rev-EX Clear Creek School District for nominal value in accordance with C.R.S. 43-1-210 and 23 CFR 710.403. The conveyance deed will contain a clause that will revert the property to CDOT's ownership if the parcel ever ceases to be used for the purposes described above.

Attachments

Exhibits Depicting the Disposal Property



Appx outline of
Parcel 78 Rev-EX
19,880 SqFt.

Rock House

103

Mt. Evans Scenic Byway

Clear Creek County
EMS Station 2a

103

AVA Cliffside Zipline
Zip-Line Adventures
in Denver

103

Chicago Creek

Google

Page 77 of 174

EXHIBIT "A"

PROJECT NO. C51-0103-03

PARCEL 78 Rev-EX

DATE: MARCH 2, 2023

LEGAL DESCRIPTION

A tract or parcel of land No. 78 Rev-EX, of the Department of Transportation, State of Colorado, Project No. C51-0103-03, containing 19,880 square feet (0.456 acres), more or less, in a portion of the Edwards Placer M.S. No. 280, lying in the NE 1/4 of Section 2, Township 4 South, Range 73 West and in the SE 1/4 of Section 35, Township 3 South, Range 73 West, of the Sixth Principal Meridian, in Clear Creek County, Colorado, also being a portion of that certain parcel of land described in Special Warranty Deed recorded at Book 258, Page 91, on September 12, 1957, in the Clear Creek County Clerk and Recorder's office, being more particularly described as follows:

Commencing at corner No. 3 of the Edwards Placer M.S. No. 280; Thence South 78° 12' 28" East, a distance of 452.26 feet to the Northwesternly Right of Way (ROW) line of State Highway 103, said point also being the POINT OF BEGINNING;

1. Thence North 52°50'13" West, coincident with said northwesterly ROW line, non-tangent with the following described curve, a distance of 26.28 feet;
2. Thence along the arc of a curve to the left, coincident with said Northwesternly ROW line, having a central angle of 03°56'51", a radius of 5663.58 feet, a chord bearing of North 42°12'24" East, a distance of 390.13 feet, and an arc distance of 390.21 feet;
3. Thence North 40°13'24" East, coincident with said Northwesternly ROW line, non-tangent with the previous described curve, a distance of 166.90 feet;
4. Thence South 49° 46' 36" East, coincident with said Northwesternly ROW line a distance of 26.00 feet;
5. Thence along the arc of a curve to the right, coincident with said Northwesternly ROW line, having a central angle of 00°22'08", a radius of 5769.58 feet, a chord bearing of North 40°33'41" East, a distance of 37.16 feet; and an arc distance of 37.16 feet,
6. Thence South 50° 21' 12" East, a distance of 9.78 feet
7. Thence South 40°13'24" West, a distance of 254.27 feet;
8. Thence South 42°27'38" West, a distance of 338.09 feet;
9. Thence North 52°50'13" West, a distance of 10.08 feet to the POINT OF BEGINNING.

The above described parcel contains 19,880 square feet (0.456 acres), more or less.

Basis of Bearings: Bearings are based on the Colorado State Plane Coordinate System, Central Zone, NAD 83. The 3-4 line of The Edwards Placer M.S. No. 280 having a grid bearing of North 37°44'36" East marked at corner No. 3 with a found BLM 3-1/4" aluminum cap on a 1" aluminum monument stamped: PLS 19234 and a point on line being a found USFS brass cap stamped: 17848

Prepared by:

Scott L. Kimminau, PLS 29757

For and on behalf of Jacobs Engineering Group Inc.

6312 S. Fiddlers Green Circle, Suite 300N

Greenwood Village, CO 80111

Scott.Kimminau@jacobs.com



K:\R5W74400_CCSD_Bus_Barn\Legal Description

LINE	BEARING	DISTANCE
L1	N52°50'13"W	26.28'
L2	N40°13'24"E	166.90'
L3	S49°46'36"E	26.00'
L4	S50°21'12"E	9.78'
L5	S40°13'24"W	254.27'
L6	S42°27'38"W	338.09'
L7	N52°50'13"W	10.08'

EXHIBIT "B"
SE 1/4 Sec.35 T3S, R73W

FOUND USFS
3" BRASS CAP
17848

CURVE	RADIUS	DELTA	ARC	CHORD	BEARING
C1	5663.58'	03°56'51"	390.21'	390.13'	N42°12'24"E
C2	5769.58'	00°22'08"	37.16'	37.16'	N40°33'41"E



Approximate Township Line

BASIS OF BEARINGS
N37°44'46"E 1330.06'
LINE 3-4 EDWARDS PLACER

EDWARDS PLACER
M.S. NO. 280

POINT OF COMMENCEMENT
FOUND BLM
3-1/4" ALUMINUM CAP
ON A 1" ALUMINUM MONUMENT
PLS 19234

DISPOSAL PARCEL 78 Rev-EX
AREA=19,880 S.F. ±

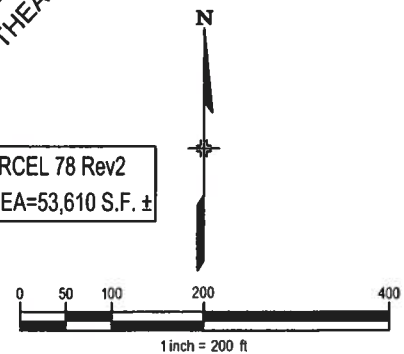
POINT OF BEGINNING

NE 1/4 Sec.2 T4S, R73W

S78°12'28"E 452.26'
LINE 2-3 EDWARDS PLACER

NORTHWESTERLY ROW LINE HWY 103
COLORADO STATE HIGHWAY 103
SOUTHEASTERLY ROW LINE HWY 103

PARCEL 78 Rev2
AREA=53,610 S.F. ±



THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

PARCEL 78 Rev - EX AREA=19,880 SQ.FT., 0.456 ACRES±

JACOBS PROJECT NO.		R5W74400	
CLIENT PROJECT NO.			
REVISION DESCRIPTION			
DRAWN	SLS	DATE	03/02/23
SCALE		1"=200'	
Jacobs			
6312 S. Fiddlers Green Circle, Suite 300N, Greenwood Village, CO 80111			
+1 (720) 286-2000			
THIS MATERIAL AND ANY ASSOCIATED ELECTRONIC DATA WAS PREPARED BY JACOBS FOR THE PROJECT INDICATED. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN CONSENT OF JACOBS SHALL BE AT THE SOLE RISK OF THE USER.			

EXHIBIT B		
TITLE: PARCEL 78 Rev-EX		
REVISION:	DRAWING NO. 78 Rev-EX EXHIBIT.DWG	SHEET NO. 2 OF 2

Proposed Resolution #4

Disposal: SH 103 Project # C_51-0101-03; Parcel# 78 Rev-EX

Approved by the Transportation Commission on May 25, 2023.

WHEREAS, CDOT acquired Parcel 78 in 1957 as part of Project # C_51-0101-03; and

WHEREAS, Parcel 78 Rev-EX was reduced to its current size after a disposal of a portion of the originally acquired Parcel 78 in 2020; and

WHEREAS, Parcel 78 Rev-EX consists of 19,880 sq. ft. (0.456 acres); and

WHEREAS, Region 1 has determined Parcel 78 Rev-EX is no longer needed for transportation or maintenance purposes; and

WHEREAS, Clear Creek School District owns the only property adjacent to 78-Rev-EX; and

WHEREAS, Clear Creek School District desires to acquire Parcel 78 Rev-EX for continued use of the middle school's track field, which partially encroaches on Parcel 78 Rev-EX; and

WHEREAS, the Department of Transportation would like to dispose of Parcel 78 Rev-EX Clear Creek School District for nominal value; and

WHEREAS, Code of Federal Regulations 23.710.403(e)(1) allows CDOT to dispose of Property at less than fair market value to other governmental agencies for continued nonproprietary public use; and

WHEREAS, if Clear Creek School District ever ceases to use the property for non-proprietary public purposes, the property will revert to CDOT's ownership; and

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) the Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcel 78 Rev-EX as excess property and convey the 19,880 sq. ft. (0.456 acres) of Right of Way that is no longer needed for transportation purposes for nominal value to Clear Creek School District.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date



2829 W. Howard Place
Denver, CO 80204-2305

MEMORANDUM

DATE: May 3, 2023
TO: Transportation Commission
FROM: Herman Stockinger, Deputy Executive Director and OPGR Director
John Lorme, Director of Maintenance and Operations
Sari Weichbrodt, Rules, Policies, and Procedures Advisor
SUBJECT: Adopting Updated Policy Directive 6.0 “Fuel Controls for CDOT Fleet”

Purpose

This memorandum provides a summary of the proposed changes to Policy Directive 6.0 “Fuel Controls for CDOT Fleet” for its adoption by the Transportation Commission.

Action

To pass a resolution adopting the updated Policy Directive 6.0 “Fuel Controls for CDOT Fleet.”

Background

Policy Directive 6.0 “Fuel Controls for CDOT Fleet” was last updated in 2015. The Directive instructs the Colorado Department of Transportation (CDOT) to implement and maintain internal controls and security of fuels at all dispensing locations. The Directive also requires CDOT to develop and maintain a Fuels Protocol which contains more detailed guidance and instructions for fuel management and security.

Details

The Policy Directive requires only minor changes to be current for 2023. The sole substantive change in this update is the addition of electric vehicle charging as the State moves toward greater adoption of electric vehicles.

Next Steps

CDOT will continue to reinforce and follow proper practices and accountability regarding fuels and maintain the Fuels Protocol.

Attachments

Attachment b: Redlined Version of Policy Directive 6.0
Attachment c: Clean Version of Policy Directive 6.0



COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject Fuel Controls for CDOT Fleet			Number 6.0
Effective 09.17.2015	Supersedes <u>09.17.2015</u> 02/21/2013	Originating office Division of Highway Maintenance <u>and Operations</u>	

I. PURPOSE

It is imperative for the Colorado Department of Transportation (CDOT or Department) to be fiscally responsible and control the purchase and use of vehicle fuels and fuel card purchases. -To this end, the Department ~~of Transportation~~ continues to implement internal controls and security of fuels (including petroleum products, ~~and~~ alternative fuels, and electric vehicle charging) at all dispensing locations.

II. AUTHORITY

Transportation Commission, pursuant to § 43-1-106(8)(a), C.R.S.

III. APPLICABILITY

This Policy Directive applies to all applicable ~~D~~ivisions, ~~B~~branches, ~~R~~egions, and offices of the Department ~~of Transportation~~, the Office of Information and Technology personnel, and anyone utilizing CDOT and State Fleet vehicles and fuel cards assigned to CDOT.

IV. POLICY

Gasoline, diesel fuel, ~~and~~ alternative fuels, and electric vehicle charging represent high-dollar and high volume expenditures. The high risk and costs make it ~~all the more~~ necessary to take greater precautions regarding the control and usage of fuels. -It is the responsibility of the Division of ~~Highway~~ Maintenance and Operations to monitor the procurement of fuel and to guard against fraud and theft. This Division will continue to research and utilize new methods to guard against losses in accordance with the requirements of the state statutes, state fiscal rules, and the state procurement code.

The Division of ~~Highway~~ Maintenance and Operations will ~~endeavor to~~ use technological tools to better track and govern fuel expenditures. The CDOT Fuel Control Protocol (“Fuel Protocol”) is binding on all CDOT employees, and OIT employees who utilize CDOT and state fleet vehicles. The Fuel Protocol will be continually updated and will reflect the current procedures required of all CDOT Fuel Coordinators. The processes implemented through the Fuels Protocol shall be routinely monitored and reviewed by executive management.

V. IMPLEMENTATION PLAN

This Policy Directive shall be implemented immediately upon approval by the Transportation Commission.

The Division of ~~Highway~~ Maintenance and Operations will oversee and monitor the responsible control and purchase of vehicle fuels through the requirements and procedures set forth in the Fuel Protocol.

The Division of ~~Highway~~ Maintenance and Operations will report bi-annually to the executive management team and, if necessary, to the Transportation Commission, on the progress of the Fuel Controls Program.

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

VI. DOCUMENTS REFERENCED IN THIS PROCEDURAL DIRECTIVE

CDOT Fuels Protocol

VII. REVIEW DATE

This Policy Directive shall be reviewed on or before September ~~2020~~2028.

Secretary, Transportation Commission

Effective Date

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject Fuel Controls for CDOT Fleet			Number 6.0
Effective	Supersedes 09.17.2015 02/21/2013	Originating office Division of Maintenance and Operations	

I. PURPOSE

It is imperative for the Colorado Department of Transportation (CDOT or Department) to be fiscally responsible and control the purchase and use of vehicle fuels and fuel card purchases. To this end, the Department continues to implement internal controls and security of fuels (including petroleum products, alternative fuels, and electric vehicle charging) at all dispensing locations.

II. AUTHORITY

Transportation Commission, pursuant to § 43-1-106(8)(a), C.R.S.

III. APPLICABILITY

This Policy Directive applies to all applicable Divisions, Branches, Regions, and offices of the Department, the Office of Information and Technology personnel, and anyone utilizing CDOT and State Fleet vehicles and fuel cards assigned to CDOT.

IV. POLICY

Gasoline, diesel fuel, alternative fuels, and electric vehicle charging represent high-dollar and high volume expenditures. The high risk and costs make it necessary to take greater precautions regarding the control and usage of fuels. It is the responsibility of the Division of Maintenance and Operations to monitor the procurement of fuel and to guard against fraud and theft. This Division will continue to research and utilize new methods to guard against losses in accordance with the requirements of the state statutes, state fiscal rules, and the state procurement code.

The Division of Maintenance and Operations will use technological tools to better track and govern fuel expenditures. The CDOT Fuel Control Protocol (“Fuel Protocol”) is binding on all CDOT employees, and OIT employees who utilize CDOT and state fleet vehicles. The Fuel Protocol will be continually updated and will reflect the current procedures required of all CDOT Fuel Coordinators. The processes implemented through the Fuels Protocol shall be routinely monitored and reviewed by executive management.

V. IMPLEMENTATION PLAN

This Policy Directive shall be implemented immediately upon approval by the Transportation Commission.

The Division of Maintenance and Operations will oversee and monitor the responsible control and

purchase of vehicle fuels through the requirements and procedures set forth in the Fuel Protocol.

The Division of Maintenance and Operations will report bi-annually to the executive management team and, if necessary, to the Transportation Commission, on the progress of the Fuel Controls Program.

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

VI. DOCUMENTS REFERENCED IN THIS PROCEDURAL DIRECTIVE

[CDOT Fuels Protocol](#)

VII. REVIEW DATE

This Policy Directive shall be reviewed on or before September 2028.

Secretary, Transportation Commission

Effective Date

Proposed Resolution #5

Adoption of Updated Policy Directive 6.0 “Fuel Controls for CDOT Fleet”

Approved by the Transportation Commission on May 18, 2023.

WHEREAS, under the Colorado Revised Statutes § 43-1-106(8), the Transportation Commission of Colorado (Commission) has the statutory responsibility to set policies for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Transportation Commission adopted the current version of Policy Directive 6.0 on September 21, 2015; and

WHEREAS, CDOT has developed a Fuel Controls Protocol which sets forth in detail the required processes for tracking fuel expenditures; and

WHEREAS, CDOT has added a significant number of electric vehicles to its fleet since the Policy Directive was last updated; and

WHEREAS, updated Policy Directive 6.0 includes a revision to include “electric vehicle charging.”

NOW THEREFORE BE IT RESOLVED, the Commission herein adopts updated Policy Directive 6.0 “Fuel Controls for CDOT Fleet.”

Herman Stockinger
Transportation Secretary

Date of Approval

MEMORANDUM

TO: THE COLORADO TRANSPORTATION COMMISSION
FROM: NICK FARBER, CTIO DIRECTOR
SUBJECT: KELLY BROWN, CTIO TOLLING OPERATIONS MANAGER
APPROVAL OF THE FISCAL YEAR 2023-24 TOLLING OPERATIONS AND
MAINTENANCE INTRA-AGENCY AGREEMENT BETWEEN CTIO AND CDOT
DATE: MAY 18, 2023

Purpose

To present the Fiscal Year (FY) 2023-24 Tolling Operations and Maintenance (TOMs) IAA, including the FY 2023-24 Statement of Work (SOW), between the Colorado Transportation Investment Office (CTIO)¹ and the Colorado Department of Transportation (CDOT).

Action

CTIO staff is seeking the Transportation Commission (TC) approval of Proposed Resolution #10 authorizing the TOMs IAA and proposed SOW between CTIO and CDOT for FY 2023-24.

Background

In recognition of the specialized operations and maintenance (O&M) expertise that CDOT provides to CTIO, CTIO and CDOT determined a new O&M sharing methodology in 2021, that provides an upfront payment to CDOT to cover Express Lane O&M costs for the upcoming year through a new annual Tolling Operations and Maintenance (TOMs) IAA. This IAA documents the terms of the overall business relationship between CDOT and CTIO. It includes the SOW CTIO wants CDOT to provide in FY 2023-24, the cost calculations to deliver the work, and the process by which CDOT charges CTIO for the fair market value of the services provided. It ensures a proactive approach to determining O&M costs and removes the burden of the prior pro-rata methodology of calculating the total number of vehicles that use the General Purpose and Express Lanes to determine a payment amount. As the Express Lane Network grows, the new structure will help address the challenges this growth creates and will ensure a more equitable approach to O&M cost sharing in the future.

The three areas of services covered under the SOW are:

- Roadway Maintenance
 - Specifics the CDOT O&M responsibilities related to the Express Lanes. This includes items such as snow and ice removal, guardrail, and pothole repair.
- Operational Support
 - Monitoring and response to traffic and incident management in Express Lanes to ensure traffic is free-flowing and safe for the traveling public.

¹ The High Performance Transportation Enterprise (HPTE) is now doing business as the Colorado Transportation Investment Office (CTIO). CTIO is how the enterprise refers to itself now and in the future. However, the HPTE name is retained for legislative and legal documents.

- Intelligent Transportation Systems (ITS) maintenance and monitoring
 - Electronic tolling equipment is essential to the safe and smooth operation of the Express Lanes across the network. CDOT ITS plays a key role in ensuring the network and overall system is working to collect tolls and convey information to the users that travel in the Express Lanes.

See Exhibit A under Attachment A for a complete description of all activities to be performed by CDOT and the costs to be paid by CTIO.

Key Policy Considerations

- The fee-for-service model describes the business relationship between CTIO and CDOT and enables CDOT to recoup the fair market value of its services to CTIO 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.
- 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 CDOT for the services it provides to CTIO in relation to O&M.
- CTIO and CDOT approved a new [memorandum of understanding](#) (MOU) in January 2021. The MOU highlights how HPTE and CDOT work together to improve the state surface transportation system. The MOU details the business relationship at a high level. However, section six of the MOU specifies that CTIO and CDOT will develop a new IAA on operations and maintenance of Express Lanes from 2021 onward to reflect the expansion of the Express Lanes Network as facilities move from under construction to operational. This IAA meets that requirement.

Options/Decision Matrix

1. Approve Proposed Resolution #10 TOMs IAA and proposed SOW for FY 2023-24. **Staff Recommendation.**
2. Review the statement of work and IAA, but with instructions to add a statement of work for particular projects or programs. Staff would make the necessary revisions and return with a revised statement and increased budget supplement at the beginning of the next fiscal year.
3. Review the statement of work and IAA, but with instructions to eliminate the statement of work for particular projects or programs. Staff would make the necessary revisions and return with a revised statement and revised budget at the beginning of the next fiscal year.

Attachments

Attachment A. Fiscal Year 2023-24 Tolling Operations and Maintenance (TOMs) IAA

Attachment B. Proposed Resolution #10

**STATE OF COLORADO
INTERAGENCY AGREEMENT**

COVER PAGE

<p>Paying State Agency High Performance Transportation Enterprise (HPTE)</p>	<p>Agreement Numbers Insert CMS Number or Other Agreement Number Encumbrance Number or Financial System Designation</p>
<p>Performing State Agency Department of Transportation (CDOT)</p>	<p>Agreement Performance Beginning Date The Effective Date</p>
<p>Agreement Maximum Amount Term</p> <p style="text-align: right; margin-right: 50px;">State Fiscal Year 2024 \$1,298,516.68</p>	<p>Agreement Expiration Date June 30, 2024</p>
<p style="text-align: right; margin-right: 50px;">Total for All State Fiscal Years \$1,298,516.68</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 HPTE to compensate CDOT for the fair market value of certain services to be provided to HPTE during FY 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. 	

Principal Representatives

For the Paying State Agency:

Nicholas Farber, Director
High Performance Transportation Enterprise
2829 W.Howard Place
Denver, CO 80222
Email: Nicholas.Farber@state.co.us

For the Performing State Agency:

Keith Stefanik, Chief Engineer
Colorado Department of Transportation
2829 W.Howard Place
Denver, CO 80222
Email: Keith.Stefanik@state.co.us

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	
High Performance Transportation Enterprise Nicholas J. Farber, Director	Department of Transportation Shoshana M. Lew, Executive Director
_____ Nicholas J. Farber, Director	_____ 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 High Performance Transportation Enterprise (HPTE), and the Colorado Department of Transportation (CDOT) who are named on the Cover Page of this Agreement. HPTE and CDOT 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

CDOT shall complete the Work as described in this Agreement and in accordance with the provisions of Exhibit A. HPTE shall have no liability to compensate CDOT 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

CDOT shall procure goods and services necessary to complete its obligations using Agreement funds and shall not increase the maximum amount payable hereunder by the HPTE.

4. PAYMENTS TO CDOT

A. Maximum Amount

Payments to the CDOT are limited to the unpaid, obligated balance of the Agreement funds. HPTE shall not pay the CDOT 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. CDOT shall initiate payment requests by invoice to HPTE, in a form and manner approved by HPTE. To facilitate Fiscal Year End closing, final invoices for each Fiscal Year should be submitted to the HPTE by July 15th of the following Fiscal Year.
- ii. HPTE shall pay each invoice within 30 days following the HPTE receipt of that invoice, so long as the amount invoiced correctly represents work completed by CDOT and previously accepted by HPTE 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

HPTE shall have the right to inspect the CDOT’s performance at all reasonable times and places during the term of this Agreement. The CDOT shall permit HPTE, 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 CDOT'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 HPTE shall not unduly interfere with the CDOT’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 rights and obligations of each Party under this Agreement are personal to such Party and may not be transferred or assigned without the prior, written consent of either Party. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of a Party's rights and obligations approved by the Party 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 CDOT is to be reimbursed by HPTE for personal goods or services procured by.
- H. HPTE acknowledges that CDOT possesses operations and maintenance (“O&M”) expertise unavailable to HPTE, which enables it to ensure the effective, efficient, and safe operations of Express Lanes.
- I. CDOT and HPTE have previously entered into and will in the future enter into various Intra-Agency Agreements for Express Lane corridors in which HPTE agrees to compensate CDOT for the operations, maintenance, and rehabilitation of the Express Lanes by allocating costs based on a proportion of the total number of vehicles using the Express Lane versus those vehicles using corresponding general purpose lanes (the **“Pro-Rata O&M Cost Calculation”**).
- J. Those Intra-Agency Agreements are fully incorporated by reference herein and are as follows: (1) the Intra-Agency Agreement for the C-470 Project Express Lanes Project as amended and executed on October 20, 2016; (2) the Intra-Agency Agreement for the Mountain Express Lanes Project, executed on January 28, 2021; (3) the Intra-Agency Agreement for I-25 North Segment 2 Project as executed on August 2, 2016; and (4) the Intra-Agency Agreement for the I-25 North Segment 3 Project, as amended and executed on February 24, 2016. CDOT and HPTE anticipate entering into additional IAA’s for the I-

25 South Gap Project and an updated I-25 North IAA covering Segments 2-3 and 5-8 (collectively the “**Express Lanes IAAs**”).

- K. Kiewit Meridiam Partners (KMP) is the Developer for the Central 70 Project on the I-70 corridor in Denver in which the O&M Work is allocated subject to its Construction Contract with Jorgensen Associates, Inc. and to which HPTE shall continue to rely on the Pro-Rata O&M Cost Calculation.
- L. Plenary Roads Denver (PRD) is the U.S. 36 Concessionaire and performs snow and ice removal as well as general purpose maintenance on the U.S. 36 Express Lane corridor and the I-25 Central Express Lane. U.S. 36 payment obligations are detailed in the Amended and Restated U.S. 36 Concession Agreement ([2014](#)) and will not be included as part of this Agreement.
- M. For the purpose of this IAA, the Parties acknowledge and agree that larger capital maintenance items are not contemplated or included in this Agreement.
- N. Given the practical difficulties in capturing the true values of the Pro-Rata O&M Cost Calculation and the ongoing maturation of HPTE’s business practices, the Parties now desire to adjust how HPTE compensates CDOT for the operations, maintenance, and rehabilitation of the Express Lanes (“**Services**”) by providing payment to CDOT on an upfront basis rather than the retroactive O&M Cost Calculation.
- O. HPTE has prepared a new statement of work (“**Statement of Work**”) describing the Services HPTE has requested CDOT to provide HPTE during the 2023-24 fiscal year in this Exhibit A.
- P. In order to ensure the efficient running of surface transportation infrastructure projects that involve Express Lanes once they become operational, HPTE desires that CDOT utilize its expertise in operations and maintenance to provide the Services, in exchange for which HPTE agrees to compensate CDOT in the amounts set forth in the Statement of Work.
- Q. 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.
- R. 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.
- S. 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.
- T. 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.

- U. 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.
- V. CDOT and HPTE each hereby affirm that, consistent with Colorado law, moneys paid by the HPTE to CDOT under this Agreement are not grants of money from HPTE to CDOT, but rather, payment for the Services to be provided by CDOT as set forth in the Statement of Work.

2. Responsibilities

- A. CDOT shall provide the Services set forth in this Statement of Work 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, CDOT shall submit to HPTE a progress report. The progress report will include a narrative summary of CDOT's activities by Express Lane corridor, during the previous six month period (July 1-December 31, 2023, and January 1-June 30, 2024), 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 CDOT and HPTE 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 CDOT 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 CDOT 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. CDOT 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. CDOT will conduct a "true-up" of balances by Express Lane at both mid-year (January) and at the end of the fiscal year (July), to coincide with the Services actually provided, in conjunction with the preparation and submission of the progress reports described in Section 2.
- B. The Services to be provided, and the Agreement Funds, therefore, 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 CDOT. Services provided by CDOT 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 CDOT 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, CDOT may be required to reimburse HPTE 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 CDOT to HPTE in future fiscal years. Such extensions shall be documented by formal written notice pursuant to Section 8 of the Agreement and shall include an updated statement of the services to be provided in the subsequent fiscal years.
- B. CDOT agrees to work with HPTE to draft and finalize a Statement of Work and costs for services for the upcoming fiscal year on a mutually agreed upon timeline.
- C. If the scope of services and payment amount for the following fiscal year are deemed acceptable by HPTE, 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 HPTE Board of Directors allocates funds for CDOT in the full amount included in the proposed scope of services submitted by CDOT, such proposed scope of services shall be deemed approved by HPTE, 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 HPTE Board of Directors.
- E. If the scope of services and payment amount to be provided by CDOT are approved by HPTE as provided for in this Section, HPTE agrees that it shall pay CDOT the agreed upon payment amount for the following based on two invoices, the first on July 1 of the fiscal year and the second on January 1 of the fiscal year.
- 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 considerations, are sufficient and adequate to support this Agreement. The Parties further acknowledge that, for accounting purposes, this Agreement represents an exchange transaction for HPTE's purchase of specific services provided by CDOT at the market value of such services.

6. Description of Duties

6.1 Organizational Overviews

High Performance Transportation Enterprise (HPTE)

In order 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, the 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 the 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.

CDOT Division of Maintenance and Operations (DMO)

DMO staff are responsible for the daily maintenance and operation of the state transportation system. This includes Maintenance Program Areas focused on activities such as snow and ice removal and pavement repair, and programs focused on ensuring the system operates efficiently, such as Courtesy Patrol and Heavy Tow services to remove inoperable vehicles from traffic, and real-time travel information provided to travelers via Variable Message Signs, or the COTRIP website. Intelligent Transportation Systems (ITS) and Network Services is a Division of Maintenance and Operations and supports CDOT teams, regions, and HPTE with their ITS and network needs to implement technologies to communicate better, decrease travel times, and create a safer driving environment for the traveling public. ITS has three main areas of focus, field operations, network services, and engineering.

6.2 Fiscal Year Services to be Provided for HPTE Express Lanes

HPTE currently has operations and maintenance responsibility for all Express Lanes. By contracting with the CDOT Division of Maintenance and Operations (DMO) to perform certain services for Express Lanes that are in operation, HPTE is able to ensure that all Express Lanes facilities are working correctly and safely for the users that choose to pay a fee for a reliable trip time. For the 2023-24 fiscal year, HPTE has tasked CDOT DMO to oversee work in three core areas:

A. Roadway Maintenance

Regular roadway maintenance is essential to help preserve Express Lanes in their originally constructed condition, ensure user safety, and provide efficient, convenient travel. The safe and efficient operations of Express Lanes are dependent on ensuring that the roadway is clear of debris, free from potholes, and cleared of snow and ice during winter weather events. Guardrails, attenuators, and other roadside safety items must be kept in working condition. To ensure roadway

maintenance is carried out to a high standard, HPTE has tasked CDOT with performing the following activities in the Express Lanes:

- a. Repair and replacement of guardrails, bridge rail, concrete barrier, and attenuators to ensure they are in working condition.
- b. Snow and ice removal.
- c. Lane striping, lane sweeping/cleaning.
- d. Trash and debris removal.
- e. Pothole filling, crack sealing, joint repairs, concrete slab replacements, and any additional pavement maintenance.
- f. Regular cleaning of static Express Lane signs if not they are not easily readable.
- g. Repair of damaged static Express Lane signs; and
- h. Lane closures and temporary traffic control to perform any of the roadway maintenance activities listed above.

B. Intelligent Transportation Systems (ITS) Maintenance and Monitoring

Timely electronic tolling equipment maintenance is an essential part of a successful Express Lane system. Extended periods of equipment downtime results in loss of revenue and reduces HPTE's ability to pay back the debt it incurred to help build the project, and to provide funding for additional construction projects in the corridor.

HPTE must monitor and facilitate troubleshooting when issues arise with the servers that support tolling (transactions and images). HPTE requires access to the facilities that house HPTE equipment to support troubleshooting and/or provide escort to the teams that will repair or re-set tolling equipment. This access must comply with ITS's process: Requesting node access and approval process.

In addition, the following HPTE positions HPTE PM II – Tolling Maintenance Supervisor,,PM II – Major Projects Manager, and ETC Maintenance Manager can request badge access for the following Node sites that house HPTE equipment: Node 1, Node 2, CTMC, KOA, County Line Node and Airport Node.

Additionally, during Emergency Outages impacting HPTE installed hardware (Firewalls, Network Switches, NVRs, SD WAN Appliances, etc.) the team can utilize the Requesting node access and approval process to restore internal network failures. HPTE personnel will abide by ITS Branch Expectation Memo - Moratoriums and Maintenance Windows - FINAL DRAFT 12-12-2022. Failure to follow the established ITS procedures will result in badge access being removed at any time.

CDOT ITS plays a critical role in maintaining the electronic toll collection system, the fiber-optic network that the system runs on, and the various signs and communication devices that convey information to the traveling public. To ensure these important functions are carried out to a high standard, HPTE has tasked CDOT with performing the following ITS activities in and on behalf of the Express Lanes:

1. Regular maintenance and monitoring of the fiber optic network to ensure it is in working condition and that network downtime is minimized as much as possible.

2. The Network Operation Center (NOC) staff assists with triaging tickets and dispatch related to device failures associated with equipment that the CDOT ITS team can repair. Additionally, NOC staff provide advanced notification of fiber maintenance, continued notifications in the event of fiber outages, and provide proactive responsiveness and resolution to problems and incidents discovered.
3. Device maintenance, lane closures, temporary traffic control, and associated activities will be billed as needed at to HPTE at the rates outlined in Appendix B.

B. Operational Support

The CDOT Traffic Operations Center (TOC) monitors roadway traffic throughout the state of Colorado. The TOC is in Golden, CO, and the high-level duties of the TOC are to provide incident management on all corridors throughout the state of Colorado that includes both the General-Purpose Lanes and the Express Lanes, system monitoring (traffic operations, infrastructure, and CDOT equipment health), event management, and crisis management. The TOC operators and dispatchers coordinate with local agencies along those corridors, various jurisdictions, and key partners such as CDOT Incident Commanders, First Responders, Safety/Courtesy Patrol which align with the common goal of optimizing the performance of the entire surface transportation system.

It is HPTE's goal to provide excellent service and meet the expectations of Express Lane users. The high-level duties of HPTE are proactive monitoring of tolling system health and immediate response to failures and traffic events that allow us to generate the maximum traffic flow as well as maximizing the toll revenue collection that will allow us to meet the obligations and commitments incurred when the lanes and associated construction were established. To ensure these important goals are carried out to a high standard, HPTE has tasked CDOT with performing the following operational support activities on behalf of the Express Lanes:

- a. Providing Courtesy Patrol Services on Express Lane corridors. Task include carrying out traffic management, incident recovery, and verification of the status of the corridor during peak hours within the project limits.
- b. Ensure that tolls are not charged, by notifying the Tolling team, if an event is triggered in the General-Purpose lanes that diverts traffic into the Express Lane.
- c. Use of Variable Message Signs (VMS) for Express Lanes messaging. Examples would include Express Lane closures, safety campaigns (e.g.: don't cross double white lines), toll fee changes, messaging about new lanes that are opening.

While the HPTE Tolling Operations and Tolling Maintenance teams and the CDOT TOC staff work together as one overall operations group, there are very specific focuses of the respective teams. The HPTE teams have increased staffing to monitor Tolling Equipment and the overall Express Lanes Network. The Tolling Operators will prioritize the tolling system health and react to alerts and notifications for equipment and/or system failures, including the creation of incidents and specific public messaging tasks as needed. The Tolling Maintenance team provides ongoing monitoring of the roadside tolling equipment and are an extra set of eyes for road conditions and can provide valuable information regarding the state of a corridor (debris, damage, etc.).

The CDOT Traffic Operators will give priority to incident recovery and incident response (i.e. field dispatching services, primary public messaging, and sole coordination with other agencies) as well as monitoring of the General-Purpose Lanes. Both HPTE Tolling Teams can support the Traffic Operators in the TOC with situational awareness, incident recovery and other elements of support on an as needed basis.

7. Terms and Conditions

7.1 Statement of Work Duration

This Statement of Work documents the duties and tasks that HPTE directs CDOT to manage, oversee, and implement for the Fiscal Year 2023-24. This Statement of Work outlines services that will be provided by CDOT 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, HPTE will compensate CDOT with an upfront payment for its services based upon invoices issued by CDOT in accordance with Section 4.E above. HPTE has also included a 15% contingency by corridor to account for any work that may come up on an as needed basis. HPTE will reserve the contingency to be used as needed and it will not be included as part of the pre-payment to CDOT. Work will be agreed on by HPTE and CDOT and billed to HPTE for payment out of the contingency funds.

Any operations and maintenance that needs to be completed and is outside the scope of work for this agreement, CDOT will notify HPTE of the needed work in a written statement, outlining the nature and price of the tasks, requesting HPTE's approval 30 days before the work is to be completed. Upon HPTE's approval, CDOT will then invoice HPTE. HPTE then has 30 days to pay the invoice.

7.3 Progress Reporting

On the 15th of January and July of each fiscal year, CDOT will submit a progress report that includes a summary of activities performed on the corridor 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 CDOT and HPTE to recognize revenue and expenses, respectively.

8. Summary of Total Fees by Roadway for FY 2023-24 for Statement of Work Activities:

Type of Maintenance	I-25 North (US36 to Fort Collins)	I-70 Mountain Express Lanes	I-25 South GAP	C-470	Total
Roadway Maintenance	\$276,000.00	\$58,488.00	\$144,000.00	\$120,000.00	\$598,488.00
ITS Maintenance and Monitoring	\$51,578.89	\$17,940.48	\$26,910.72	\$22,425.60	\$118,855.70
Operational Support	\$130,691.26	\$162,134.89	\$233,724.14	\$230,119.79	\$756,670.08
Contingency	\$68,740.52	\$35,784.51	\$60,695.23	\$55,881.81	\$221,102.07
Prior Credit*			-\$396,599.16		-\$396,599.16
Total	\$527,010.67	\$274,347.88	\$68,730.93	\$428,427.20	\$1,298,516.68

*Under the FY2022-23 TOM's IAA, HPTE pre-paid \$396,599.16 for I-25 South GAP. Due to a delay, the Express Lanes did not begin tolling in FY2022-23. HPTE will reflect this payment for services it did not receive as a credit on the current year agreement

Appendix A (Roadway Maintenance), Appendix B (ITS Maintenance and Monitoring) and Appendix C (Operational Support), provide a detailed breakdown of the SOW calculations.

Appendix A: Roadway Maintenance

The roadway maintenance calculation uses historical O&M cost data from CDOT DMO to determine a cost per lane mile on Express Lane corridors. The cost per lane mile is then multiplied by the number of Express Lane miles in a specific corridor to calculate the total. The table below outlines the cost per Express Lane for Roadway O&M:

Corridor	Per Lane Mile Cost	Number of Lane Miles	Total
I-25 North (US 36 to Fort Collins)	\$4,000	69	\$276,000
I-25 South GAP (Castle Rock to Monument)	\$4,000	36	\$144,000
I-70 Mountain Express Lanes	\$2,437	24	\$58,488
C-470 (I-25 to Wadsworth Blvd)	\$4,000	30	\$120,000
Total		159	\$598,488

Appendix B: ITS Maintenance and Monitoring

1. Operational ITS costs

Currently, the ITS Network Operations Center (NOC) has six full-time staff and can support ticket monitoring and dispatching in HPTE corridors during business hours (6:00 am to 4:30 pm), Monday through Friday.

The cost for ITS Network FTEs, contractors, software and tools, and lane closures to complete tickets within HPTE corridors averages approximately 1 2% of the total ITS ticketing volume costs. To determine an annual reimbursement for the cost associated with maintaining devices in HPTE corridors via tickets submitted, 2% was applied to the average total ITS tickets annual cost.

Base Support (Estimated Annual Average: \$8,018.29: This is ticketing tracking and dispatch only. The staff employed in the NOC are Professional Network and Systems Engineers and are employed through a contract with Convendis, two FTEs, and a Supervisor FTE. In addition, there is an overhead expense associated with the software and tools needed to log, track and manage tickets.

Calculation

[[Total Costs of FTEs/Contractors/Software in the NOC] x [Percentage of HPTE Tickets received within the NOC based on previous year]] + [3% Overhead] = [Network Monitoring Annual Reimbursement] = (\$778,478 x 1% = \$7,784.75) + \$233.54 = **\$8,018.29**

2. Communication Infrastructure Maintenance Costs:

Currently, ITS dark fiber is used to support communication for HPTE corridors. The current assumption is that each corridor shown uses four strands of ITS dark fiber to support the HPTE vendor tolling equipment. Any routes that ETC will be managing will need to be converted to from dark fiber rates to circuit rates, which currently is not reflected.

Maintenance of fiber routes includes preventative maintenance, inventorying, and emergency and extraordinary repairs. Preventative maintenance on these fiber routes includes periodic inspection of the facility, reinstallation of knocked down fiber location markers and replacement of damaged or missing fiber location markers, clearing and cleaning debris from pull boxes so that they are visible, performing locates within three (3) business days from receipt of UNCC notice. An accurate geospatial inventory of the route has to be maintained with UNCC to support appropriate locates. Emergency and extraordinary repairs occur when fiber cables have been damaged, cut or severed.

Calculation

[[Total Corridors miles] X [M&O Annual Fee per mile per strand] x [Number of Fibers] = HPTE Annual M&O] + [[Total Corridors miles] X [Locate/811 Annual Cost per mile per strand, plus 20% overhead] x [Number of Fibers] = HPTE Annual M&O] = [Fiber Maintenance Annual Reimbursement]

Total Corridor Miles: 234.3 x \$42.47 x 4 strands per mile = \$39,802.88 M&O cost share to HPTE.

Total locates and UNCC tickets: 234.3 x \$20.31x 4 strands per mile = \$19,034.53. **Total**

Communication Infrastructure Annual Reimbursement = \$58,837.41

FLIR software is used for the VMS (Variable Message Signs) and VTMS (Variable Toll Message Signs) and is tied to the control of the reversible lanes. This software is also required to update toll rates.

3. Conclusion:

An estimated total annual reimbursement is shown in the table below. The methodology to determine the Operational and Maintenance costs as documented above. To ensure the equitable distribution of ITS costs across the Express Lanes Network, the total reimbursement cost was

calculated on a lane mile basis and multiplied by the number of lane miles for each Express Lane facility (e.g. I-70 Mountain Express Lane - 12 lane miles x \$1039.54 = \$12,474.52). The values and methodologies used to determine the reimbursement will be assessed/updated annually.

Operational ITS Costs	\$8,018.29
Communication Infrastructure Maintenance Costs	\$58,837.41
Annual Flir Software Renewal	\$52,000.00
Total	\$118,855.70

ITS costs will be split out by Express Lane corridors as show in the table below:

Corridor	Number of Express Lane Miles	Percentage Share of the Express Lane Network	Share of ITS Costs
I-25 North (US36 to Fort Collins)	69	43.40%	\$51,578.89
I-25 South GAP (Castle Rock to Monument)	36	22.64%	\$26,910.72
I-70 Mountain Express Lanes	24	15.09%	\$17,940.48
C-470 (I-25 to Wadsworth Blvd)	30	18.87%	\$22,425.60
Total	159	100.00%	\$118,855.70

4. ITS Rates (paid for out of contingency):

ITS will submit work orders or invoices that reflect actual costs for any device maintenance, fiber splicing and associated activities (lane closures, device troubleshooting on-site, etc). If any circuits are requested to support managed lanes, they will need to be negotiated.

Appendix C: Operational Support

Summary Table

Corridor	CTIO Fixed Cost Share	Operations Support Cost	Courtesy Patrol Costs	Total
I-70 Mountain Express Lanes	\$16,540.33	\$1,594.56	\$144,000.00	\$162,134.89
I-25 North (US36 to Fort Collins)	\$47,571.26	\$4,120.00	\$79,000.00	\$130,691.26
C-470 (I-25 to Wadsworth Blvd)	\$20,683.63	\$1,436.16	\$208,000.00	\$230,119.79
I-25 South GAP (Castle Rock to Monument)	\$24,815.98	\$908.16	\$208,000.00	\$233,724.14
Total	\$109,611.20	\$8,058.88	\$639,000.00	\$756,670.08

Calculation Support

CDOT Annual Fixed Costs				CTIO Fixed Cost Payment	
	Building	TOC Allocation	TOC Annual Fixed Costs	CTIO Percentage	CTIO Annual Fixed Costs
Electricity	\$120,000.00	80.00%	\$96,000.00	7.00%	\$6,720.00
Water	\$6,000.00	66.00%	\$3,960.00	7.00%	\$277.20
Cleaning	\$300,000.00	25.00%	\$75,000.00	7.00%	\$5,250.00
OpenTMS	\$900,000.00	100.00%	\$900,000.00	4.00%	\$36,000.00
DTRs	\$11,000.00	100.00%	\$11,000.00	4.00%	\$440.00
TOC Capitol Upgrades	\$1,500,000.00	100.00%	\$1,500,000.00	4.00%	\$60,000.00
Supplies/Misc	\$20,000.00	66.00%	\$13,200.00	7.00%	\$924.00
TOTAL	\$2,857,000.00		\$2,599,160.00		\$109,611.20

CTIO Percentages:

- 7%: Golden Operation Center Expenses - There are 15 Workstations in the Center. CTIO currently 1 workstations, or 1 out of 15 workstations, or 7%. This percentage would apply to Electricity, Water, Cleaning, and Misc Supplies.
- 4%: Statewide Operations - Golden has 15 workstations, Pueblo has 4 workstations, and HLT has 4 workstations. CTIO occupies 1 workstations, or 1 out of 26 total workstations, or 4%. This percentage would apply to OpenTMS, DTRs, and TOC Capital Upgrades

CDOT 2022 Annual Operational Expenses (Incident Response - Dispatching and Agency Coordination)				CTIO Operations Payment	
Express Facility	2022 Total Annual Incident Hours	Operator Cost/Hour	Billable Cost	CTIO Percentage	CTIO Annual Ops Costs
I-70 MEXL	151	\$32.00	\$4,832.00	33%	\$1,594.56
I-25 (Segments 2&3)	515	\$32.00	\$16,480.00	25%	\$4,120.00
I-25 GAP	86	\$32.00	\$2,752.00	33%	\$908.16
C-470	136	\$32.00	\$4,352.00	33%	\$1,436.16
		Total	\$28,416.00		\$8,058.88

Courtesy Patrol Cost Breakdown

Roadway	I-70 EB MEXL	WB MEXL	I-25 Seg 2 & 3	C-470	I-25 South Gap	Total
CDOT Incident Management						
Average Annual Total Incident Duration	Cost per Year: 75hrs/yr * \$32/hr = \$2,400	Cost per Year: 76hrs/yr * \$32/hr = \$2,432	Cost per Year: 515hrs/yr * \$32/hr = \$16,480	Cost per Year: 136 hrs/yr * \$32/hr = \$4,352	Cost per Year: 86 hrs/yr * \$32/hr = \$2,752	
	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 25%	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 33%	
Roadway	I-70 EB MEXL 100 days	WB MEXL 125 days	I-25 Seg 2 & 3	C-470	I-25 South Gap	
CDOT Safety Patrol Provider	Safety Patrol (1 Light Duty/and 0.5 Rollback):	Safety Patrol (1 Light Duty/and 0.5 Rollback):	Safety Patrol (1 units):	Safety Patrol (2 units):	Safety Patrol (2 units):	
	Light Duty = \$94/hour *1200 = \$112,800	Light Duty = \$94/hour *1500 = \$141,000	Light Duty = \$69/hour	Light Duty = \$69/hour	Light Duty = \$69/hour	
	Roll Back = \$135/hour * (1200*0.5) = \$81,000	Roll Back = \$135/hour * (1500*0.5) = \$101,250	Hours/year = [(14*5)+(9*2)]*52 = 4,576	Hours/year = [(14*5)+(9*2)]*52 = 4,577	Hours/year = [(14*5)+(9*2)]*52 = 4,577	
	Subtotal = \$193,800/year	Subtotal = \$242,250	Subtotal = \$69/hour * 4,576 hours = \$315,744	Subtotal = \$138/hour * 4,576 hours = \$631,488	Subtotal = \$138/hour * 4,576 hours = \$631,488	
	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 25%	# of Lanes (Managed vs GP) = 33%	# of Lanes (Managed vs GP) = 33%	
	\$64,000	\$80,000	\$79,000	\$208,000	\$208,000	\$639,000

Proposed Resolution #10

Approving the Tolling Operations and Maintenance Intra-Agency Agreement between the High Performance Transportation Enterprise and the Colorado Department of Transportation

Approved by the Transportation Commission on May 18, 2023.

WHEREAS, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., 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, pursuant to C.R.S. § 43-4-806(6)(h), the High Performance Transportation Enterprise (“HPTE”) is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements under C.R.S. § 29-1-103, that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, CDOT and HPTE previously entered into various Intra-Agency Agreements for Express Lane corridors in which HPTE agreed to compensate CDOT for the operations, maintenance, and rehabilitation of the Express Lanes by allocating costs based on a proportion of the total number of vehicles using the Express Lane and the general purpose lanes (the “Pro-Rata O&M Cost Calculation”); and

WHEREAS, given the practical difficulties in capturing the true values of the Pro-Rata O&M Cost Calculation and the ongoing maturation of HPTE’s business practices, CDOT and HPTE now desire to adjust how HPTE compensates CDOT for the operations, maintenance, and rehabilitation of the Express Lanes (“Services”) by providing payment to CDOT on an upfront basis rather than the retroactive O&M Cost Calculation; and

WHEREAS, HPTE acknowledges that CDOT possesses operations and maintenance (“O&M”) expertise unavailable to HPTE, which enables it to ensure the effective, efficient, and safe operations of Express Lanes; and

WHEREAS, for the upcoming fiscal year, CDOT has prepared a new Statement of Work describing the services HPTE has requested CDOT to provide HPTE during the 2023-24 fiscal year, which is attached hereto and incorporated herein as Exhibit A (the “Statement of Work”) to the Fiscal Year (FY) 2023-24 Intra-Agency Agreement (the “Agreement”); and

WHEREAS, in order to ensure the efficient running of surface transportation infrastructure projects that involve Express Lanes once they become operational, HPTE desires that CDOT utilize its expertise in operations and maintenance to provide the Services, in exchange for which HPTE agrees to compensate CDOT in the amounts set forth in the Statement of Work; and

WHEREAS, the Transportation Commission has reviewed the Statement of Work attached as Exhibit A to the Agreement, and finds the compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided by CDOT to HPTE during the 2023-24 fiscal year as detailed in the Statement of Work; and

WHEREAS, the Transportation Commission has reviewed the Agreement, by this Resolution accepts, and confirms the findings and statements contained in the recitals.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the Tolling Operations and Maintenance Intra-Agency Agreement in substantially the form presented and authorizes the CDOT Executive Director, or her designee, to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the Statement of Work, as the CDOT Executive Director or her designee may determine to be necessary or appropriate.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Proposed Resolution #7

Approving the Tolling Operations and Maintenance Intra-Agency Agreement between the High Performance Transportation Enterprise and the Colorado Department of Transportation

Approved by the Transportation Commission on May 18, 2023.

WHEREAS, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., 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, pursuant to C.R.S. § 43-4-806(6)(h), the High Performance Transportation Enterprise (“HPTE”) is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements under C.R.S. § 29-1-103, that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, CDOT and HPTE previously entered into various Intra-Agency Agreements for Express Lane corridors in which HPTE agreed to compensate CDOT for the operations, maintenance, and rehabilitation of the Express Lanes by allocating costs based on a proportion of the total number of vehicles using the Express Lane and the general purpose lanes (the “Pro-Rata O&M Cost Calculation”); and

WHEREAS, given the practical difficulties in capturing the true values of the Pro-Rata O&M Cost Calculation and the ongoing maturation of HPTE’s business practices, CDOT and HPTE now desire to adjust how HPTE compensates CDOT for the operations, maintenance, and rehabilitation of the Express Lanes (“Services”) by providing payment to CDOT on an upfront basis rather than the retroactive O&M Cost Calculation; and

WHEREAS, HPTE acknowledges that CDOT possesses operations and maintenance (“O&M”) expertise unavailable to HPTE, which enables it to ensure the effective, efficient, and safe operations of Express Lanes; and

WHEREAS, for the upcoming fiscal year, CDOT has prepared a new Statement of Work describing the services HPTE has requested CDOT to provide HPTE during the 2023-24 fiscal year, which is attached hereto and incorporated herein as Exhibit A (the “Statement of Work”) to the Fiscal Year (FY) 2023-24 Intra-Agency Agreement (the “Agreement”); and

WHEREAS, in order to ensure the efficient running of surface transportation infrastructure projects that involve Express Lanes once they become operational, HPTE desires that CDOT utilize its expertise in operations and maintenance to provide the Services, in exchange for which HPTE agrees to compensate CDOT in the amounts set forth in the Statement of Work; and

WHEREAS, the Transportation Commission has reviewed the Statement of Work attached as Exhibit A to the Agreement, and finds the compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided by CDOT to HPTE during the 2023-24 fiscal year as detailed in the Statement of Work; and

WHEREAS, the Transportation Commission has reviewed the Agreement, by this Resolution accepts, and confirms the findings and statements contained in the recitals.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the Tolling Operations and Maintenance Intra-Agency Agreement in substantially the form presented and authorizes the CDOT Executive Director, or her designee, to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the Statement of Work, as the CDOT Executive Director or her designee may determine to be necessary or appropriate.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: DARIUS PAKBAZ, DIRECTOR, DIVISION OF TRANSPORTATION DEVELOPMENT
JAMIE COLLINS, STIP MANAGER, DIVISION OF TRANSPORTATION DEVELOPMENT
DATE: MAY 18, 2023
SUBJECT: ADOPTION OF THE *FY2024-2027 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)*

Purpose

This memo summarizes the status of the *FY2024-2027 Statewide Transportation Improvement Program (STIP)* to inform the Transportation Commission (TC) in preparation for the adoption of this STIP.

Action

Staff requests Transportation Commission adoption of the *FY2024-2027 STIP*.

Background

The *Draft FY2024-2027 STIP* is available [here](#). Once the Commission adopts the *FY2024-2027 STIP*, the adopted document will replace the draft online.

At the regular meeting on May 18th, staff intends to present the Transportation Commission with the final *FY2024-2027 STIP*. At that time, staff will summarize all changes made since the release of the *Draft FY2024-2027 STIP*, review public comments received, and present CDOT's responses to public comments received. Staff will then be requesting the Transportation Commission adopt the STIP based on the following:

- The STIP has been developed in accordance with 23 CFR Parts 450.210 and 450.216.
- It has been reviewed by staff to ensure that it meets fiscal constraint.
- A public involvement process was provided for comments from April 5 through May 10, 2023. An electronic copy of the draft was also posted on CDOT's external website. Comments received thus far have been either grammatical or technical in nature. A response has been sent to each commenter and there are no outstanding issues to be resolved.
- A public hearing with the Transportation Commission took place during its regular meeting on April 20, 2023. No comments were received during this hearing.

Additionally, the *FY2024-2027 STIP* will incorporate one updated MPO Transportation Improvement Program (TIP), for the Grand Valley MPO, as adopted April 24, 2023. This TIP will be incorporated administratively into the STIP once it is signed by the Governor. The Governor is expected to take action prior to June 30, 2021.

None of the remaining four MPOs are scheduled to adopt updated TIPs prior to the adoption of the STIP. If an MPO adopts a new TIP which includes FY2027, it will be incorporated into the *FY2024 – FY2027 STIP* once it is signed by the Governor.

Also included as an attachment, for your approval, is the draft resolution for Transportation Commission adoption of the *FY2024-2027 STIP*. Once adopted, the *FY2024-2027 STIP* will be forwarded on to the Colorado Division



office for the Federal Highway Administration and the Region 8 office of the Federal Transit Administration for their final approval. The *FY2024-2027 STIP* will become effective July 1, 2023.

Next Steps

At this time, staff requests that the Transportation Commission adopt the *FY2024-2027 STIP*. If you have any questions regarding the development of the STIP or other specifics, please contact Jamie Collins at 303-667-0928.

Attachments

Resolution to Adopt the *FY2024-2027 STIP*

Self Certification of Planning Process for the *FY2024 – 2027 STIP*



Self-Certification

Statewide Transportation Improvement Program

SELF-CERTIFICATION OF THE FY2024 – FY2027 STIP

The Colorado Department of Transportation is responsible for carrying out the statewide transportation planning process. This planning process is carried out in accordance with the following requirements:

- 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304, and this part;
- In States containing nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
- 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
- 23 CFR part 230, regarding implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- 23 U.S.C. 324, regarding the prohibition of discrimination based on gender; and
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

I hereby certify that the *FY2024 – FY2027 STIP* has met the above requirements.

Shoshana M. Lew, Executive Director
Colorado Department of Transportation

Date



Self-Certification

Statewide Transportation Improvement Program

The STIP is the culmination of the comprehensive statewide transportation planning process sifted down to a four year program of projects. This plan is fiscally constrained and meets the planning requirements detailed in the federal regulations listed above.

Ongoing activities consistent with Title VI of the Civil Rights Act, citizen involvement, and coordination of transportation services for elderly persons and persons with disabilities include the following:

Meetings

Transportation planning meetings are held across Colorado on a regular basis. These meetings are open to the public and the meeting hosts make accommodations for those attendees with special needs. Below is a list of the primary transportation meetings held regularly in Colorado.

Statewide Transportation Advisory Committee (STAC) – This Committee, comprised of County Commissioners and local officials representing the ten rural Transportation Planning Regions and five Metropolitan Planning Organizations, meets monthly to discuss transportation issues and advise the Transportation Commission on those issues.

Transportation Planning Region/Metropolitan Planning Organization – Each planning region conducts regularly scheduled meetings to discuss transportation issues for their area. Attendees include CDOT Region staff, as well as planning staff from both the Region and CDOT Headquarters. These meetings are also open to the public.

Transportation Commission – The Transportation Commission meets each month, setting policy and budget direction for the Department. The STIP is generally brought to the Commission for two purposes each year – the Public Hearing, as part of the public involvement process; and for STIP adoption. Overall planning issues are discussed regularly at the monthly workshops and at the regular Commission meetings.

Public Involvement

The Draft STIP is released for a minimum 30 day public comment period. A public hearing is held with the Colorado Transportation Commission. The development of the 10 Year Vision Plan ties into which projects are selected for the STIP. Discussions with the transportation planning regions for updating the 10 year plan have been ongoing since the fall of 2021.

These efforts are open to the public with accommodation to ADA requirements. The TPR meetings are held across the state and include a diverse cross-section of the population.

The Public Involvement Plan can be found [here](#).



Proposed Resolution #8

Resolution for Adoption of the Fiscal Year 2024-2027 Statewide Transportation Improvement Program (STIP).

Approved by the Transportation Commission on May 18, 2023

WHEREAS, the Fiscal Year 2024-2027 Statewide Transportation Improvement Program has been prepared in accordance with 23 CFR Parts 450.210 and 450.216; and

WHEREAS, the Fiscal Year 2024-2027 Statewide Transportation Improvement Program is consistent with the 2045 Statewide Transportation Plan; and

WHEREAS, 23 CFR Part 450.210 requires public comment on the proposed Statewide Transportation Improvement Program, which was solicited between April 5, 2023 and May 10, 2023, and

WHEREAS, 23 USC Part 128 requires state transportation departments to hold a public hearing for transportation plans, which was convened by the Transportation Commission on April 20, 2023; and

WHEREAS, 23 CFR Part 450.104 defines fiscal constraint as a demonstration that the projects in the STIP can be implemented using committed, available, or reasonably available resources with reasonable assurance that the federally supported transportation system is being adequately operated and maintained; and

WHEREAS, CDOT staff has included fiscal constraint validation in the STIP document and, per Transportation Commission guidance, submits a program to maintain and improve the existing state transportation system; and

WHEREAS, the CDOT Executive Director has signed the Self-Certification document stating that CDOT has abided by all federal regulations pertaining to the development and public process for the STIP; and

WHEREAS, Further, the updated MPO TIP for the Grand Valley MPO (GVMPO) was adopted by their Board on April 24, 2023, and it is anticipated that it will be signed and approved by the Governor by June 30, 2023. The updated TIP will be incorporated into the STIP administratively at that time; and

WHEREAS, The Denver Regional Council of Governments (DRCOG) and the North Front Range Metropolitan Planning Organization (NFRMPO) are on a different update cycle and will not be updating their TIPs until August and September 2023, respectively; and

WHEREAS, The current DRCOG TIP is currently inclusive of fiscal years 2022 – 2025, and the NFRMPO TIP is currently inclusive of fiscal years 2023 – 2026, the FY2024 – 2027 STIP will not include projects for DRCOG for fiscal years 2026 and 2027, and will not include projects for NFRMPO for fiscal year 2027. Projects for these years will be incorporated into

the FY2024 – 2027 STIP once the updated TIPs have been adopted by their respective MPO Boards and signed by the Governor.

WHEREAS, the Fiscal Year 2024-2027 Statewide Transportation Improvement Program is being adopted by the Transportation Commission and released for approval by the Federal Highway Administration and the Federal Transit Administration; and

WHEREAS, this Fiscal Year 2024-2027 Statewide Transportation Improvement Program will become effective July 1, 2023, and cover the period from that time until June 30, 2027.

NOW, THEREFORE BE IT RESOLVED, that the Colorado Transportation Commission adopts the Fiscal Year 2024-2027 Statewide Transportation Improvement Program and directs staff to submit the Fiscal Year 2024-2027 Statewide Transportation Improvement Program to the Federal Highway Administration and the Federal Transit Administration for approval.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Colorado Bridge and Tunnel Enterprise Board
Meeting Minutes
April 20, 2023

PRESENT: Yessica Holguin, District 1
 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

EXCUSED: VACANT, District 2

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 April, the Bridge and Tunnel Enterprise Board of Directors approved:

- Regular Meeting Minutes of March 16, 2023
- Budget Supplement



MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: MAY 18, 2023
SUBJECT: NINTH SUPPLEMENT TO THE FISCAL YEAR 2022-23 BRIDGE AND TUNNEL ENTERPRISE BUDGET

Purpose

This month the Bridge and Tunnel Enterprise Board of Directors (Board) is being asked to approve the budget supplement request to establish both the design and construction phases for one project located in Region 5. The project is an emergency replacement of a failing culvert on SH 151 ML over Stollsteimer Creek in Archuleta County (structure number P-07-S).

Action

Staff is requesting Board approval of Proposed Resolution #BTE-02, the ninth budget supplement to the Fiscal Year 2022-23 BTE budget.

Background

On April 11, CDOT maintenance was notified that the high spring runoff of Stollsteimer Creek was causing severe erosion around the intake side of a two cell 12.5-foot diameter corrugated metal pipe culvert on SH 151 near MP 28.15. This structure is a BTE eligible major structure that was previously rated in "Poor" condition due to deterioration of the culvert inverts (the inside bottom of the pipe). The most recent structure inspection reports had noted that there is 100% section loss in the invert of one of the pipes at both the inlet and the outlet. The section loss extends 20 feet from the inlet and 50 feet from the outlet, for a total of 70 feet, which is 70% of the total pipe length. Additionally, the walls of the pipe deflected inward approximately one foot due to the extent of invert deterioration.

On April 13th, the high spring runoff had receded enough to allow CDOT Maintenance to begin temporary repair work on the structure. During the work, the crew observed that the flows were passing underneath the pipes. They also observed the side of one pipe collapsing inward. Additionally, there is road settlement at the location of the structure suggesting the pipes are collapsing as the scour continues to damage the structure. Although the structure has been temporarily stabilized, Region 5 determined that the pipes could not be repaired adequately and that they require replacement due to the extent of the damage. Region staff developed a conceptual design for a permanent structure and are in the process of contacting suppliers and contractors to determine availability of materials and resources for emergency contracting services.

While the structure is in the third tier of the January 2023 BTE Bridge Prioritization Plan, the inspection data used for this assessment did not account for the damage that has recently occurred. Due to this



change in condition and the urgency and need to replace the failing culvert, staff are recommending that funding is allocated to accelerate the replacement of this structure.

SH 151 over Stollsteimer Creek in Archuleta County
(P-07-S) (New N/A) (SAP Project # 25737/1000...)
Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Total Request	Revised Budget	Expended To-Date
			Year of Budget						
			FY 2023	FY 2024	FY 2025				
Design	<i>FASTER Bridge Funds</i>	\$ -	\$ 375,100	\$ -	\$ -	\$ 375,100	\$ 375,100	\$ -	
	Total Design	\$ -	\$ 375,100	\$ -	\$ -	\$ 375,100	\$ 375,100	\$ -	
Construction	<i>FASTER Bridge Funds</i>	\$ -	\$ 4,522,500	\$ -	\$ -	\$ 4,522,500	\$ 4,522,500	\$ -	
	Total Construction	\$ -	\$ 4,522,500	\$ -	\$ -	\$ 4,522,500	\$ 4,522,500	\$ -	
Total Project Budget & Expenditure		\$ -	\$ 4,897,600	\$ -	\$ -	\$ 4,897,600	\$ 4,897,600	\$ -	
						Year of Expenditure			
						Total Request			
			FY 2023	FY 2024	FY 2025				
			\$ 300,000	\$ 4,597,600	\$ -	\$ 4,897,600			

Next Steps

Approval of the Proposed Resolution #BTE-02 will establish the design and the construction phase of the SH 151 ML over Stollsteimer Creek culvert and allow Region 5 to proceed with emergency contracting.



Resolution # BTE-2

Approval and Adoption of the Ninth Fiscal Year 2022-23 Project Budget Supplement for the Statewide Bridge and Tunnel Enterprise (BTE).

Approved by the Bridge and Tunnel Enterprise Board of Directors on May 18, 2023

WHEREAS, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing Designated Bridges, defined in C.R.S. § 43-4-803(10) as those bridges identified as structurally deficient or functionally obsolete and rated poor; and

WHEREAS, in 2021, the Colorado General Assembly passed Senate Bill 21-260, which was signed into law by the Governor on June 17, 2021, expanding the BE to include both designated bridge projects and surface transportation infrastructure projects for tunnels, and renaming the expanded enterprise the Statewide Bridge and Tunnel Enterprise (BTE), C.R.S. § 43-4-805(2)(a)(I); and

WHEREAS, pursuant to C.R.S. § 43-4-805(5)(m), the BTE Board of Directors (the “Board”) is empowered to set and adopt, on an annual basis, a program budget for the BTE; and

WHEREAS, under Policy Directive 703.0, approval by the Board is required to establish initial funding for BTE eligible construction projects as well as any project increases above certain thresholds over the life of the project; and

WHEREAS, the project request(s) included in the Supplement and summarized below are consistent with the FY 2022-23 through FY 2025-26 Statewide Transportation Improvement Program (STIP); and

Description	Region	Project Number	Eligible Structures Addressed	Amount Requested
Establish Design	5	25737	P-07-S	\$ 375,100
Establish Construction	5	25737	P-07-S	\$ 4,522,500

WHEREAS, the project budget request(s) being presented to the Board for approval this month have been reviewed and met BTE funding eligibility, and

WHEREAS, the project has received Executive Management approval to utilize emergency contracting procedures.

NOW THEREFORE BE IT RESOLVED, after review and consideration, the Ninth Supplement to the Fiscal Year 2022-23 Budget is approved by the Bridge and Tunnel Enterprise Board.

Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors

Date



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
DATE: MAY 17, 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.

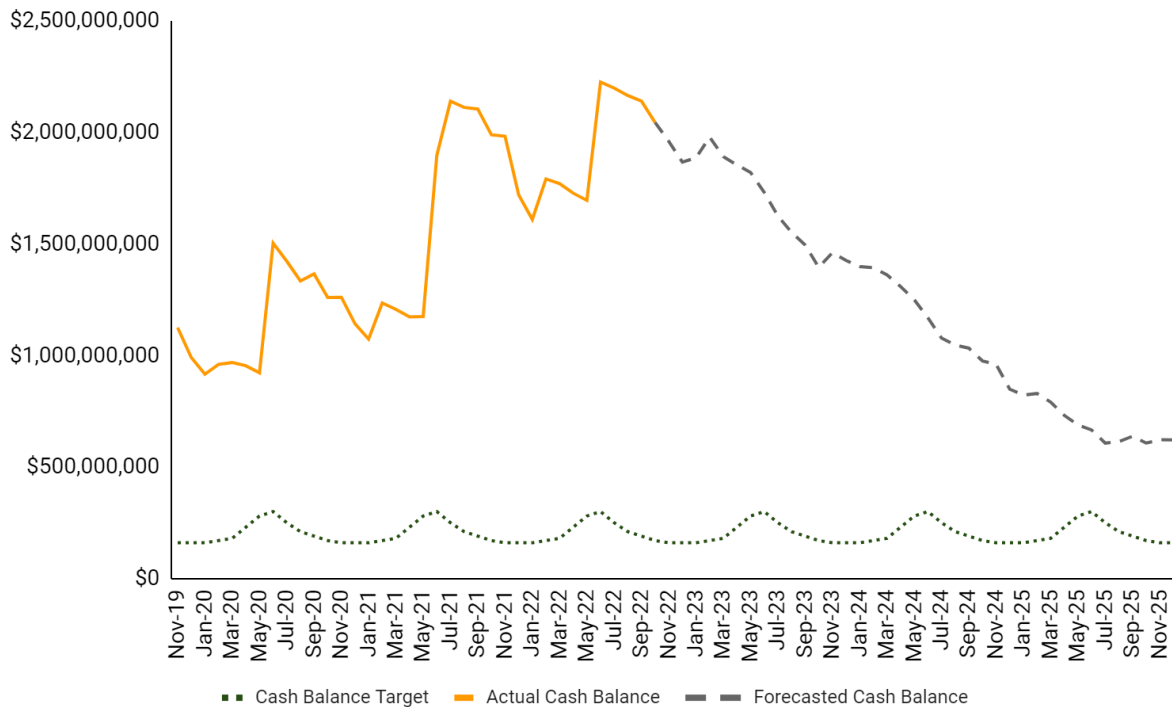
Action

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 March 2023 was \$1.89 billion; \$1.71 billion above that month’s cash minimum cash balance target of \$180 million. March’s cash balance consists of \$544.3 million in the State Highway Fund and \$1.18 billion in the Senate Bill 267 trustee account. The actual cash balance for March 2023 was \$8.2 million higher than forecasted. While FHWA reimbursements and payments to contractors were lower than expected in March, this was offset by a General Fund transfer of \$47.1 million to the State Highway Fund made pursuant to HB 22-1351. This General Fund transfer was not previously included in the cash forecast as it was unknown which month the Department would receive it.

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

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

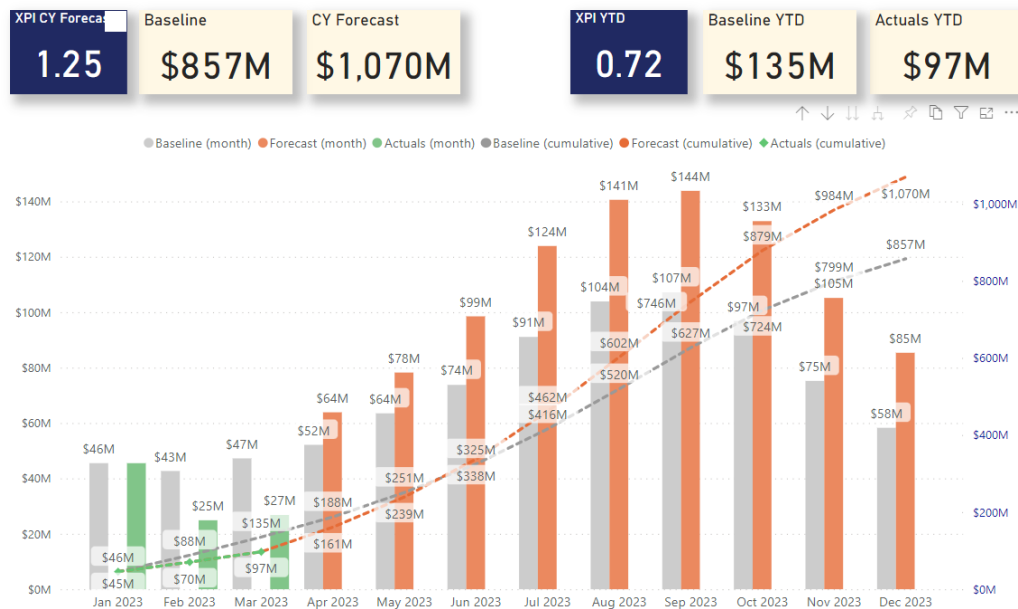
*This is preliminary information based on the 10-Year Plan update which was considered by the Transportation Commission for approval in September. This information will be updated as additional project schedule detail becomes available.

Figure 3 details CY23 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, March month end expenditures were corresponding to an Expenditure Performance Index (XPI) of 0.72 (actual expenditures vs. baseline). The CY 23 baseline includes expenditures from 170 projects.



CY23 Program Forecast





MEMORANDUM

TO: COLORADO TRANSPORTATION COMMISSION
FROM: HANNAH L. REED, FEDERAL GRANTS COORDINATOR IN OPGR
DATE: MAY 17TH, 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, as well as current and future coordination of proposals to anticipated federal discretionary programs, primarily under the Infrastructure Investment Jobs Act (IIJA).

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 and CDOT staff 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 have closed and 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**
 - **\$640k AWARDED!!!**
 - 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. 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.
- 3. 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
 - According to the most current FRA Grants Calendar, these will be announced in May/June 2023
- 4. STRENGTHENING MOBILITY and REVOLUTIONIZING TRANSPORTATION (SMART)
 - CDOT-led ATMA proposal with MN DOT, OK DOT, and WI DOT as subrecipients
 - **AWARDED \$1.89M**
- 5. FTA's ADVANCED DRIVER ASSISTANCE SYSTEMS (ADAS)
 - Install ADAS demonstrative technologies into three of CDOT's Bustang fleet
- 6. CONSOLIDATED RAIL INFRASTRUCTURE & SAFETY IMPROVEMENTS (CRISI)
 - US 50/US 550 Reconfigured Intersection for Safety and Consolidation (RISC) in Region 3
 - According to the most current FRA Grants Calendar, these will be announced in Aug/Sept 2023

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.
2. CORRIDOR IDENTIFICATION DEVELOPMENT PROGRAM (CIDP)
 - CDOT and FRPR-D co-sponsored an application for the Colorado Front Range Corridor

IN PROGRESS

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

1. As in previous years, CASTA and FHU Consulting coordinated applications with local agencies for the 5339 discretionary grant programs (Low-No Emissions and Bus & Bus Facilities); CDOT then reviewed applications and submitted under its UEI and Grants.gov profile
 - Archuleta County Mountain Express Low-E Fleet and Bus Facility Project
 - Avon Transit Diesel Bus Replacement with GILLIG Electric Bus
 - Gunnison Valley RTA's City of Gunnison Multimodal Transit Center
 - Town of Telluride Galloping Goose ZEV Incremental Costs and Facility Upgrades
 - ECO Transit Battery Electric/Hybrid Bus Replacement and Expansion

- ECO Transit Vehicle Storage Facility Electrification Project
 - RFTA - Ten Battery Electric Buses to Replace Diesel Buses
 - RFTA Regional Transit Center Phase 6 and Phase 8 Construction
 - ADA Bus for Wet Mountain Valley Rotary Transportation
 - Mountain Express Bus Storage, Maintenance, and Operations Facility
 - Breckenridge Free Ride: Diesel to Electric Bus Transition & Safety and Efficiency Improvements
 - SMART Vanpool Vehicle Replacement Project
 - Durango Transit Replacement Vehicles
 - Via Mobility Renewable Energy Microgrid for Enhanced Electric Transit Bus Charging
 - First Electric Bus & Charging Infrastructure Installation for the Town of Winter Park
2. WILDLIFE CROSSING PILOT PROGRAM (WCPP)
- CDOT is revising the application for the Greenland Wildlife Overpass, as the final component of the I-25 Gap project in Region 1.
 - This project was previously submitted by Douglas County and CDOT in May 2020 to the BUILD program
 - CDOT intends to repackage the existing RAISE 2023 proposal of the I-70 East Vail Pass Wildlife Crossings project in Region 3.
 - CDOT will also pursue at least one wildlife crossing on US 160
 - A “corridor initiative” strategy is being considered to include both Elmore’s East and East of Cortez crossings in a single application
 - A planning application for wildlife mitigation in Region 3 on US 40 and CO 13 is also being considered
3. PROMOTING RESILIENT OPERATIONS for TRANSFORMATIVE, EFFICIENT and COST-SAVING TRANSPORTATION (PROTECT):
- 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

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. SAFE STREETS AND ROADS FOR ALL (SS4A): Funding for regional, local, and Tribal initiatives to prevent roadway deaths and serious injuries.
 - Like last year, CDOT is not eligible for this opportunity, however will sign letters of support for other applications.
2. REGIONAL INFRASTRUCTURE ACCELERATOR PROGRAM (RIA): Program from the Build America Bureau to qualify CDOT as an “Accelerator” and expedite critical transportation projects by making them viable for TIFIA and RRIF loans.

CDOT DISCRETIONARY GRANT PROGRESS BY THE NUMBERS

Since the IIJA was signed into law in November 2021...

- CDOT has applied for approximately \$906.8M across 12 programs
 - Including co-sponsored applications between CDOT and Local partners: \$1.17B across 16 programs
- We have been awarded approximately \$174.2M, with nearly \$181M yet to be announced
- For FY23-FY24, CDOT already has over \$600M across 7 programs lined up for submission

Next Steps

RIA applications are due May 30th, 2023

SS4A applications are due July 10th, 2023

WCPP applications are due August 1st, 2023

PROTECT applications are due August 18th, 2023



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: DARIUS PAKBAZ, DIRECTOR, DIVISION OF TRANSPORTATION DEVELOPMENT
DATE: MAY 18, 2023
SUBJECT: TRANSPORTATION TRENDS REPORT - PURSUANT TO 2 CCR 601-22 § 8.06.2

Purpose

To provide the Transportation Commission with an update on the development of a report required in Section 8.06.2 of the GHG Planning Rule.

Action

Informational only. No action required.

Background

Section 8.06.2 of 2 CCR 601-222 (Rules Governing Transportation Planning Process and Transportation Planning Regions) requires staff, to prepare a report regarding certain factors relevant to the GHG reduction provisions of 2 CCR 601-22, for the Commission to assess whether directional change in any of the metrics warrant consideration of policy changes. The rule outlines that this report should include factors such as economic conditions, population growth, latest available data on electric vehicle registrations, transit ridership, bicycle use data, and estimated VMT per capita statewide and within each Metropolitan Planning Organization (MPO).

Next Steps

Staff has prepared this report, including relevant statistics and information pertinent to meeting the requirements of the rule.

Attachments

Attachment A - 2022 Transportation Trends Report





COLORADO
Department of Transportation

2022 Transportation Trends Report

PERSUANT TO 2 CCR 601-22, 8.06.2
COLORADO DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION DEVELOPMENT

COLORADO DEPARTMENT OF TRANSPORTATION | 2829 W. Howard Place, Denver, CO 80204

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Introduction

CDOT will annually provide a report to the Transportation Commission of factors relevant to the GHG reduction provisions of 2 CCR 601-22, for the Commission to assess whether directional change in any of the metrics warrant consideration of policy changes. This report, published on May 1, 2023, meets the requirement of the transportation planning rule and is available for review by the Colorado Transportation Commission.

Factors/Metrics Presented to Fulfill Requirement

- Population
- Vehicle Miles Traveled
 - Vehicle Miles Traveled per Capita
- Electric Vehicles
- Transit Usage
- Bicycle Usage
- Economic Factors
 - Jobs & Unemployment
 - Gross Domestic Product
 - Consumer Price Index
 - Transportation Fuel Prices

Vintage of Data

This report publishes the latest available data for each statistic at the time of publication. The year of data can range from 2021 to March 2023. The report aims to provide the latest data available, a history of the statistic back to 2011 (when available), and a percent change from the previous year and the earliest statistic in this report. For statistics reported on a monthly or weekly basis, a selection of the data for each year is provided. Each source of data is provided at the end of each section, which has older data available, national data (when applicable), and other information pertinent to understanding the statistic.

Population

Population data are estimates, by year, provided by the Colorado Demographers Office within the Colorado Department of Local Affairs. Estimates are provided in the late fall of each year, with yearly data going back to 2000 and projected population totals for Colorado, major regions around the state, and Colorado’s 64 counties. While not available in the publicly accessible dataset, the Demographer’s Office has provided for this report specific population figures for each MPO, using boundary data from CDOT’s geographic information system (GIS).

Figure 1 - Population Estimates

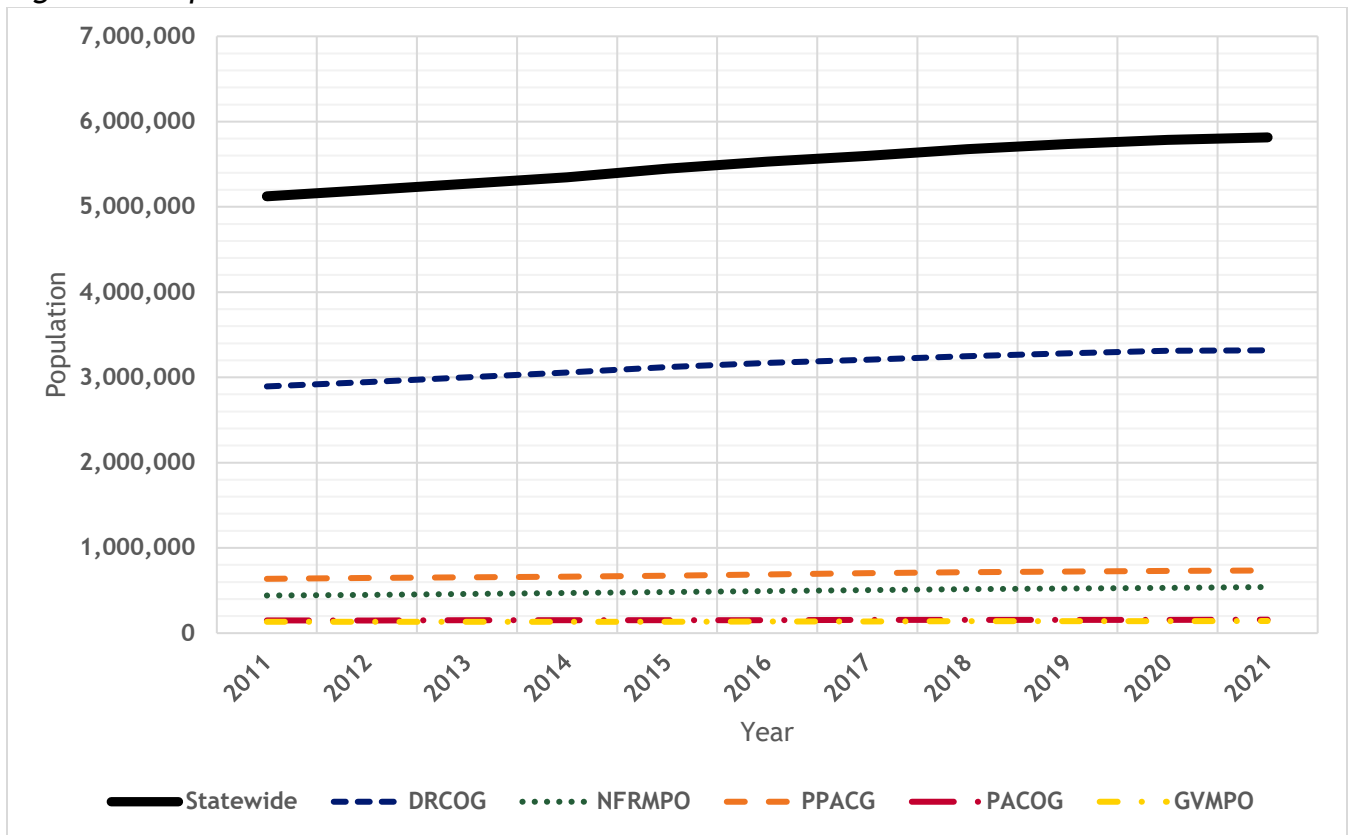


Table 1 - Population Estimates, Change from Previous Year and 2011

Geography	2021 Data	Percent Change from Previous Year	Percent Change from 2011
Colorado	5,814,707	0.5%	13.5%
DRCOG	3,316,870	0.2%	14.6%
NFRMPO	540,465	1.4%	22.4%
PPACG	734,895	0.9%	15.4%
PACOG	158,270	0.5%	5.9%
GVMPO	142,586	1.0%	7.0%

Table 2 - Population Estimates, by Year

Year	Statewide	DRCOG	NFRMPO	PPACG	PACOG	GVMPPO
2011	5,123,550	2,893,832	441,382	636,973	149,447	133,303
2012	5,194,662	2,945,932	449,292	646,069	149,905	133,326
2013	5,270,884	3,000,722	457,834	655,697	150,133	133,406
2014	5,347,654	3,056,645	469,488	662,967	150,413	133,376
2015	5,446,593	3,121,159	483,297	675,023	151,878	134,276
2016	5,529,629	3,168,887	493,552	689,262	153,425	135,721
2017	5,599,589	3,205,653	503,653	701,717	154,734	137,419
2018	5,676,913	3,248,912	514,545	714,596	155,771	139,219
2019	5,734,913	3,282,361	525,136	722,192	156,521	140,224
2020	5,784,156	3,311,317	532,744	728,482	157,424	141,236
2021	5,814,707	3,316,870	540,465	734,895	158,270	142,586

Data Source:

Colorado Department of Local Affairs

State Demography Office

<https://demography.dola.colorado.gov/assets/html/population.html>

Updated: October 1, 2022

Vehicle Miles Traveled

Vehicle miles traveled (VMT) data is provided by the Colorado Department of Transportation’s Division of Transportation Development, through its annual traffic counting program. Data shown in this year’s report is available back to 2011, but CDOT has historical data going back several decades. The latest available year for this data is 2021. Data for calendar year 2022 will be available in Fall of 2023. Shown in this report is vehicle miles traveled and vehicle miles traveled per capita for the entire state and counties within and/or partially within several Colorado counties. Per capita figures are supported by population estimates provided by the Colorado Demography Office in the Colorado Department of Local Affairs. For the 2022 report, VMT figures for the MPOs are represented as total VMT and population for counties that are totally within or partially within MPO boundaries, as noted in tables 3 and 5. Future reports will have VMT and VMT per capita totals for areas within specific boundaries of MPOs.

Vehicle Miles Traveled

Figure 2 - Vehicle Miles Traveled

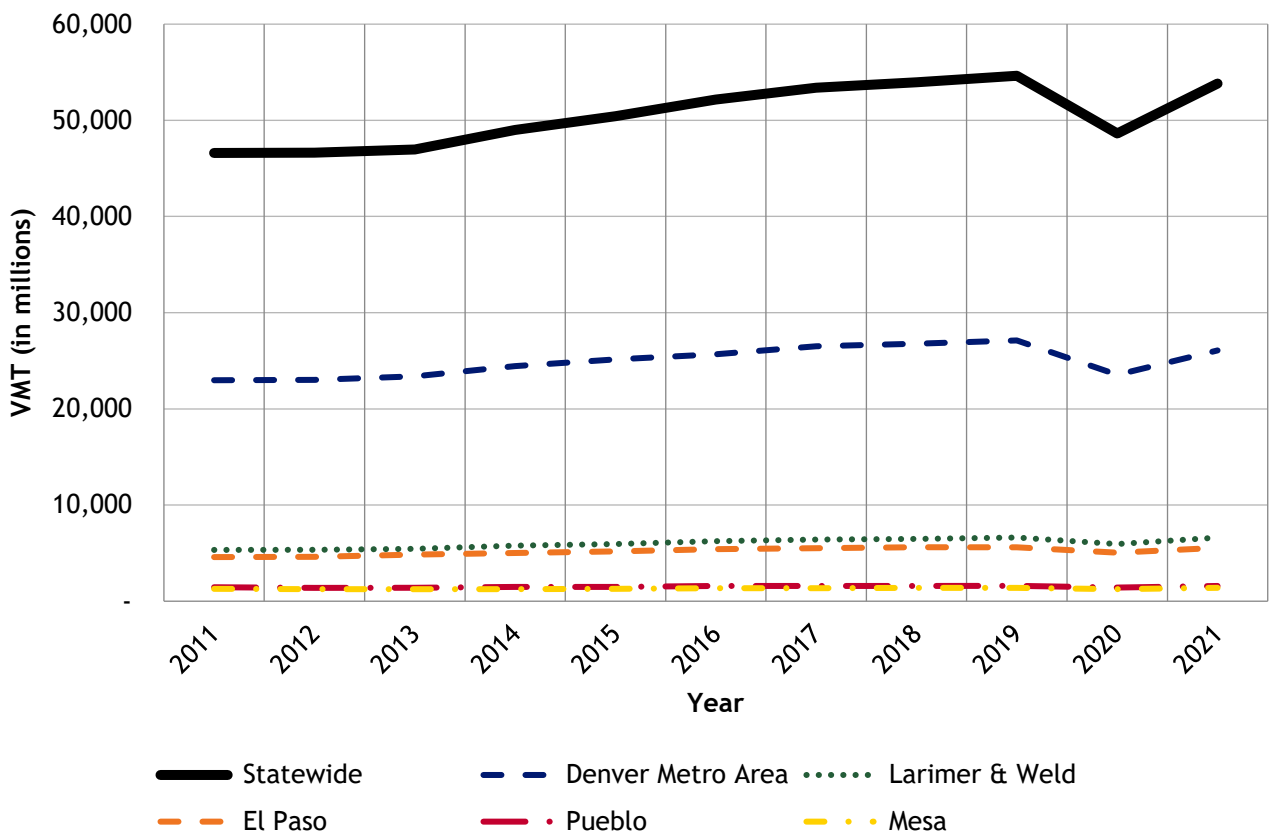


Table 3 - Vehicle Miles Traveled, Change from Previous Year and 2011

Geography	2021 Data	Percent Change from Previous Year ¹	Percent Change from 2011
Colorado	53,839,300,000	10.7%	15.5%
Denver Metro Area ²	26,064,100,000	10.7%	13.4%
Larimer & Weld Counties	6,613,000,000	11.1%	24.0%
El Paso County	5,544,500,000	10.2%	20.8%
Pueblo County	1,579,100,000	11.1%	9.3%
Mesa County	1,391,300,000	11.1%	9.3%

¹Note - percent change statistics from 2020 to 2021 affected by COVID-19 pandemic.

Table 4 - Vehicle Miles Traveled in millions, by Year

Year	Statewide	Denver Metro Area ²	Weld & Larimer	El Paso	Pueblo	Mesa
2011	46,606.3	22,976.5	5,333.2	4,588.2	1,444.2	1,272.8
2012	46,641.0	23,022.1	5,354.9	4,617.6	1,400.1	1,260.0
2013	46,968.1	23,369.7	5,441.2	4,840.8	1,396.8	1,249.1
2014	48,985.1	24,436.3	5,780.9	5,018.3	1,470.0	1,266.8
2015	50,537.3	25,137.5	5,957.7	5,186.5	1,485.4	1,286.5
2016	52,151.6	25,691.2	6,260.7	5,406.0	1,569.6	1,340.1
2017	53,382.1	26,501.5	6,401.9	5,505.0	1,575.1	1,367.5
2018	53,953.6	26,791.3	6,487.2	5,597.4	1,580.5	1,381.6
2019	54,633.6	27,113.8	6,621.1	5,605.3	1,597.7	1,385.3
2020	48,642.3	23,542.7	5,954.2	5,031.7	1,421.6	1,251.9
2021	53,839.3	26,064.1	6,613.0	5,544.5	1,579.1	1,391.3

²Denver Metro Area includes the following counties: Adams, Arapahoe, Broomfield, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson.

Vehicle Miles Traveled (VMT) per Capita

Figure 3 - Vehicle Miles Traveled per Capita

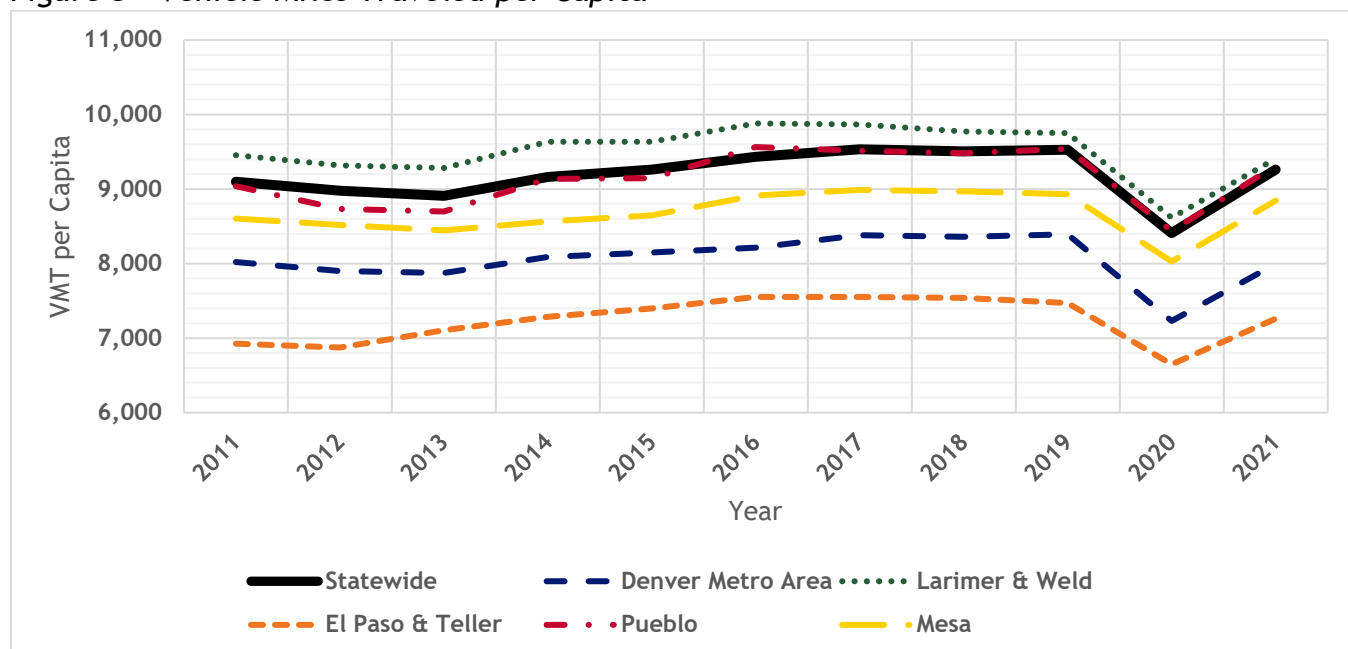


Table 5 - Vehicle Miles Traveled per Capita, Change from Previous Year and 2011

Geography	2021 Data	Percent Change from Previous Year ¹	Percent Change from 2011
Colorado	9,259.2	10.1%	1.8%
Denver Metro Area ²	7,996.4	10.6%	-0.3%
Larimer & Weld Counties	9,408.2	9.2%	-0.5%
El Paso County	7,262.4	9.2%	4.8%
Pueblo County	9,315.9	10.4%	3.1%
Mesa County	8,843.7	10.2%	2.8%

¹Note - percent change statistics from 2020 to 2021 affected by COVID-19 pandemic.

Table 6 - Vehicle Miles Traveled per Capita, by Year

Year	Statewide	Denver Metro Area ²	Weld & Larimer	El Paso	Pueblo	Mesa
2011	9,096.5	8,022.3	9,455.3	6,926.5	9,035.6	8,602.3
2012	8,978.6	7,898.7	9,316.1	6,874.3	8,733.0	8,516.7
2013	8,910.9	7,874.8	9,283.6	7,104.0	8,699.1	8,443.8
2014	9,160.1	8,086.8	9,632.9	7,284.7	9,138.1	8,566.6
2015	9,260.4	8,151.0	9,635.6	7,398.9	9,143.8	8,647.3
2016	9,431.3	8,212.0	9,880.5	7,551.3	9,563.4	8,913.2
2017	9,533.2	8,381.8	9,867.6	7,551.9	9,514.5	8,988.2
2018	9,504.0	8,358.1	9,771.6	7,540.2	9,481.7	8,968.7
2019	9,526.5	8,392.1	9,749.3	7,472.0	9,539.5	8,930.8
2020	8,409.6	7,230.2	8,615.6	6,648.6	8,436.7	8,027.8
2021	9,259.2	7,996.4	9,408.2	7,262.4	9,315.9	8,843.7

²Denver Metro Area includes the following counties: Adams, Arapahoe, Broomfield, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson.

Data Source:

Colorado Department of Transportation
 Online Transportation Information System (OTIS)

<https://dtdapps.coloradodot.info/otis>

Updated: August 1, 2022 (VMT)/October 1, 2022 (Population)

Electric Vehicles

Electric vehicle data shows the total number of EVs currently registered within the state over a given period. This data is provided from the EValueCO dashboard, from the Atlas Public Policy Group and the Colorado Energy Office. Total number of registered vehicles include models that are battery electric vehicles (BEV) and plug-in hybrid electric vehicles (PHEV). Yearly data is as of the January 1st of each year, except for 2017 (July 1st) and 2019 (August 1st). For more information regarding electricity source in Colorado, please visit Colorado Energy Office’s [Climate and Energy webpage](#).

Figure 4 - EV Registrations, Total and Major Vehicle Categories

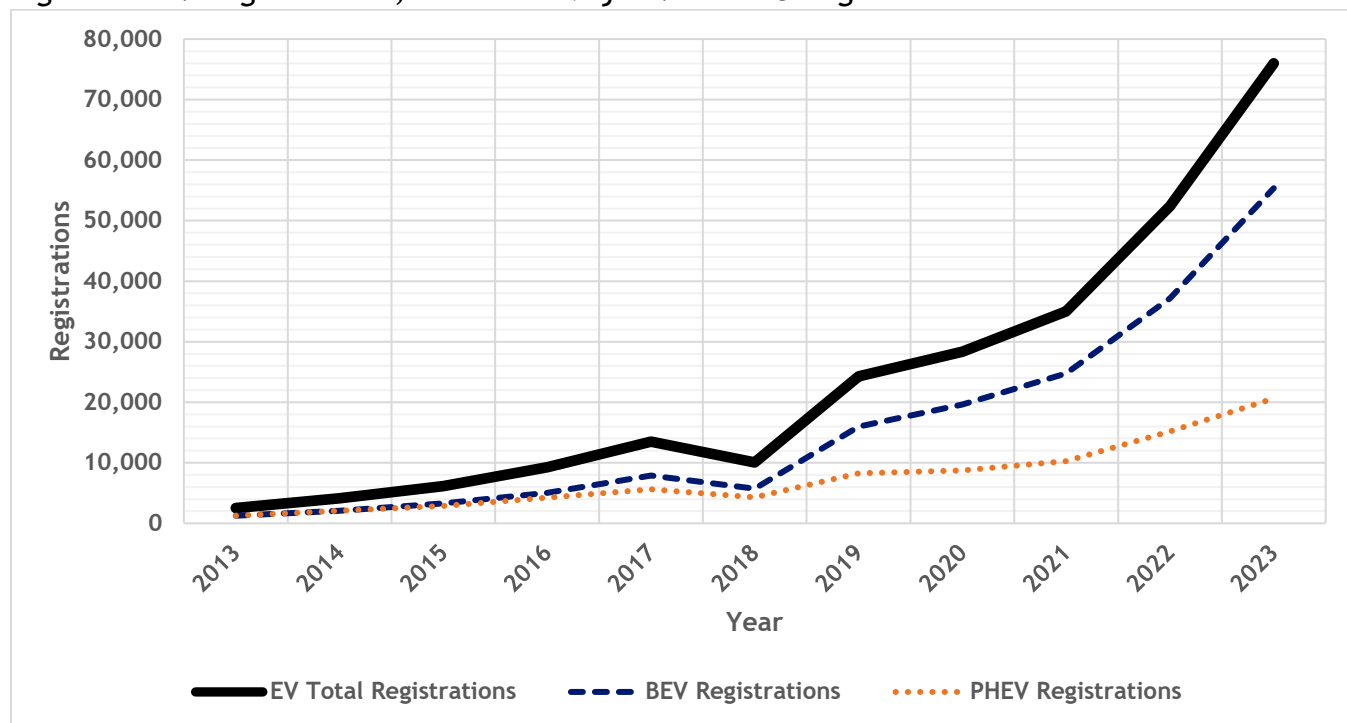


Table 7 - EV Registrations, Change from January 2023 and 2013

	January 2023 Data	Percent Change from January 2022	Percent Change from January 2013
Total EV Registrations	75,993	45.1%	2,906.1%
BEV Registrations	55,632	48.9%	4,290.3%
PHEV Registrations	20,631	35.6%	1,528.3%

Table 8 - EV Registrations, Total and Major Vehicle Categories, by Year

Year	Total EV Registrations	BEV Registrations	PHEV Registrations
2013	2,528	1,261	1,267
2014	4,127	2,074	2,053
2015	6,159	3,305	2,854
2016	9,244	5,013	4,231

Year	Total EV Registrations	BEV Registrations	PHEV Registrations
2017	13,496	7,882	5,614
2018	10,043	5,747	4,296
2019	24,259	15,978	8,281
2020	28,363	19,615	8,748
2021	35,033	24,768	10,265
2022	52,389	37,179	15,210
2023	75,993	55,362	20,631

Data Source:

Atlas Public Policy Group/Colorado Energy Office

EvaluateCO

<https://atlaspolicy.com/evaluateco/>

Updated: March 26, 2023

Transit Ridership

Transit ridership in the state is represented by the unlinked passenger trips statistic, provided by the National Transit Database (NTD). Unlinked passenger trips are total boardings on an individual transit vehicle and are reported by each transit agency that receives federal funds. While the data can be requested going 1974 from the Federal Transit Administration, data from 2015 to 2021 is readily available and presented in this report. 2022 data will be available in late calendar year 2023.

Figure 5 - Unlinked Passenger Trips

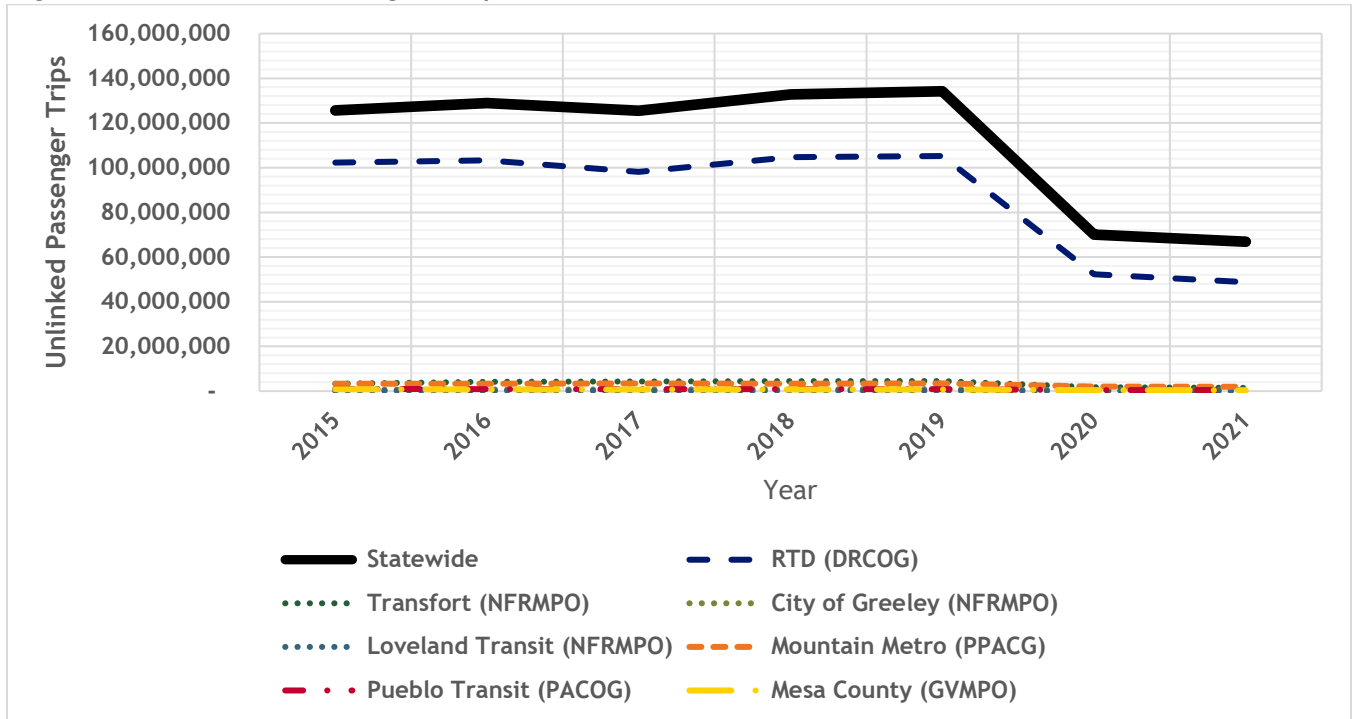


Table 9 - Unlinked Passenger Trips, Change from Previous Year and 2015

Geography	2021 Data	Percent Change from Previous Year*	Percent Change from 2015
Colorado	66,857,905	-4.6%	-44.8%
RTD (DRCOG)	48,777,163	-6.8%	-52.3%
Transfort (NFRMPO)	1,466,945	-18.4%	-55.5%
City of Greeley (NFRMPO)	416,010	12.5%	-32.4%
Loveland Transit (NFRMPO)	79,754	7.5%	-38.9%
Mountain Metro (PPACG)	1,930,060	-6.5%	-41.3%
Pueblo Transit (PACOG)	469,908	-5.4%	-52.7%
Mesa County (GVMPO)	402,300	-12.4%	-51.6%

*Note - percent change statistics from 2020 to 2021 affected by COVID-19 pandemic.

Table 10 - Unlinked Passenger Trips, by Year

Year	Statewide	RTD (DRCOG)	Transfort (NFRMPO)	Greeley (NFRMPO)	Loveland (NFRMPO)	Mountain Metro (PPACG)	Pueblo (PACOG)	Mesa County (GVMPO)
2015	125,584,005	102,250,731	3,297,091	615,365	130,488	3,288,722	993,404	831,608
2016	128,900,802	103,340,797	4,112,808	667,532	116,964	3,372,415	903,046	792,946
2017	125,463,344	98,077,504	4,378,724	774,651	105,917	3,439,405	877,227	792,946
2018	132,727,049	104,708,480	4,444,532	842,132	104,115	3,346,182	864,290	777,384
2019	134,188,182	105,207,476	4,503,616	829,337	118,236	3,411,436	831,954	760,788
2020	70,052,872	52,314,687	1,796,952	369,725	74,213	2,063,408	496,659	459,351
2021	66,857,905	48,777,163	1,466,945	416,010	79,754	1,930,060	469,908	402,300

Data Source:

Federal Transit Administration

National Transit Database

<https://www.transit.dot.gov/ntd>

Updated: October 31, 2022

Bicycle Usage

Data regarding bicyclist usage statewide has been limited in the past. While the Department has collected bicyclist data at select locations around the state, these samples do not give a complete picture of bicycle usage statewide. To help with multimodal programs and under the complete picture statewide, the Department's Division of Transportation Development is evaluating "big data" sources which may allow for a more comprehensive view of bicyclist usage throughout the state, in various regions throughout the state using data collected from smartphone devices. The Division of Transportation Development is also planning to expand its bicycle counting program with the purpose of providing accurate and equitable bicycle usage data from across the state and to potentially calibrate any big data sources that are deemed useful.

Economic Indicators

For the fulfillment of the requirements of this report, economic indicators that will be presented to give a clear picture of the conditions within Colorado to provide this information are:

1. Jobs & Unemployment Rate - provided by the U.S. Bureau of Labor Statistics
2. Gross Domestic Product - provided by the U.S. Bureau of Economic Analysis
3. Consumer Price Index - provided by the U.S. Bureau of Labor Statistics
4. Fuel Prices - provided by the U.S. Energy Information Administration

Jobs & Unemployment

The unemployment rate is determined by the total amount of the workforce looking for work, but does not currently have employment, an indicator of local economic conditions. These estimates are provided by the U.S. Bureau of Labor Statistics within the U.S. Department of Labor, provided monthly and periodically updated. For this report, the labor force, both employed and unemployed are reported for the latest month available.

Figure 6 - Colorado Workforce and Unemployment Rate

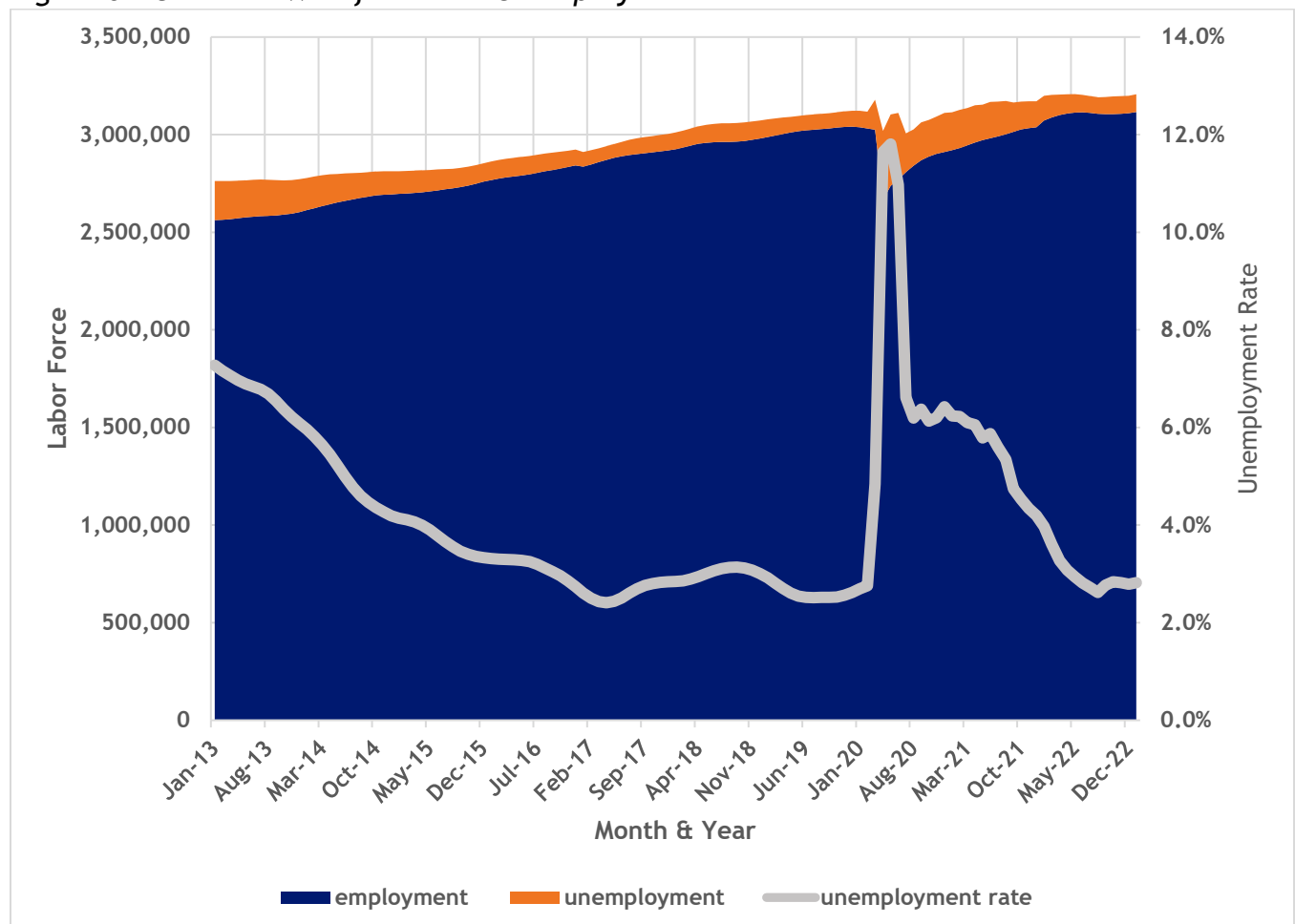


Table 11 - Colorado Workforce & Unemployment Rate, Change from Previous Year and 2013

Statistic	January 2022 Data	Percent Change from Previous Year	Percent Change from 2013
Colorado Labor Force	3,206,346	2.9%	16.1%
Total Labor Force Employed	3,115,910	6.7%	21.6%
Total Labor Force Unemployed	90,436	-53.4%	-55.0%
Unemployment Rate	2.8%	-54.8%	-61.6%

Table 12 - Colorado Workforce & Unemployment Rate, as of January each Year

Month & Year	Workforce	Employed	Unemployed	Unemployment Rate
January 2013	2,762,675	2,561,687	200,988	7.3%
January 2014	2,778,644	2,613,030	165,614	6.0%
January 2015	2,812,740	2,696,305	116,435	4.1%
January 2016	2,862,652	2,767,788	94,864	3.3%
January 2017	2,911,905	2,836,089	75,816	2.6%
January 2018	3,011,265	2,925,684	85,581	2.8%
January 2019	3,078,085	2,988,314	89,771	2.9%
January 2020	3,122,529	3,038,414	84,115	2.7%
January 2021	3,115,249	2,920,988	194,261	6.2%
January 2022	3,206,346	3,115,910	90,436	2.8%

Data Source:

U.S. Bureau of Labor Statistics

Local Area Unemployment Statistics

[Local Area Unemployment Statistics Home Page \(bls.gov\)](https://www.bls.gov/louis/)

Updated: March 1, 2023

Gross Domestic Product

The gross domestic product (GDP) is the value of goods and services, collectively, produced within the state, and used as one potential economic barometer. This data is measured by the Bureau of Economic Analysis within the U.S. Department of Commerce and is available on an annual and quarterly basis, reported monthly. The data is available for the nation, national regions, and for U.S. States and Territories. For this report, statistics are provided for the annual GDP real dollars (inflation-adjusted dollars - using 2012 as a base year).

Figure 7 - Colorado GDP in Real/Inflation-Adjusted Dollars

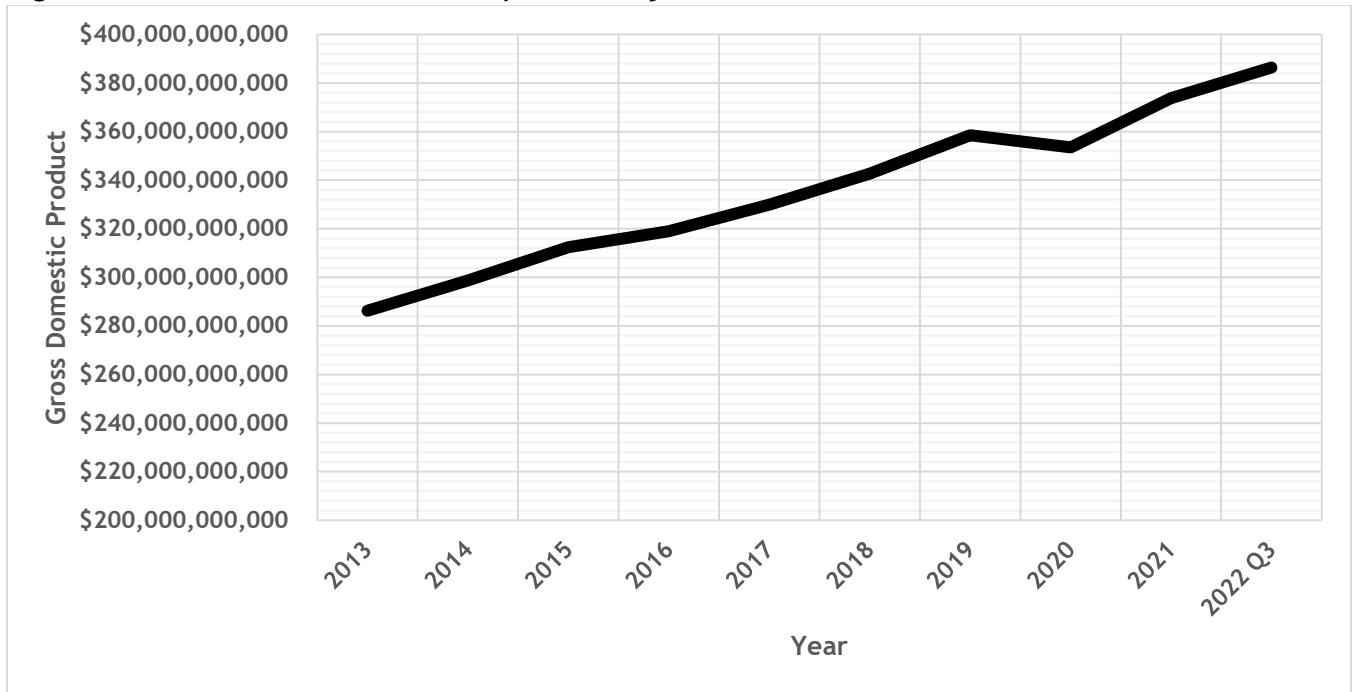


Table 13 - Colorado GDP in Real/Inflation-Adjusted Dollars, Change from Previous Year and 2013

Statistic	2022 Q3	Percent Change from Previous Year	Percent Change from 2013
Gross Domestic Product (GDP) Real Dollars/Inflation Adjusted	\$386,375,000,000	3.4%	35.0%

Table 14 - Colorado GDP in Real/Inflation-Adjusted Dollars, by Year

Year	GDP (Real dollars/inflation-adjusted)
2013	\$286,259,100,000
2014	\$298,655,300,000
2015	\$312,409,700,000
2016	\$318,953,400,000
2017	\$329,913,300,000
2018	\$342,733,200,000
2019	\$358,438,500,000
2020	\$353,438,500,000
2021	\$373,763,000,000
2022 Q3	\$386,375,000,000

Data Source:

U.S. Bureau of Economic Analysis

Real Gross Domestic Product by State

[GDP by State | U.S. Bureau of Economic Analysis \(BEA\)](#)

Updated: March 29, 2023

Consumer Price Index

The consumer price index (CPI) is the price of a weighted average market basket of consumer goods and services purchases by households, designed to track changes in prices over time. The CPI reported is provided by the Bureau of Labor Statistics (BLS) within the U.S. Department of Labor, available on a bi-monthly basis. The base year for the CPI index from the BLS is 1982 (1982=100). The inflation rate is determined by the percent change in the CPI index. The data is available on a nationwide basis, large regions within the nation, and major metropolitan areas. For this report, the CPI index for the Denver-Aurora-Lakewood statistical area was used.

Figure 8 - Denver-Aurora-Lakewood Consumer Price Index and Inflation Rate

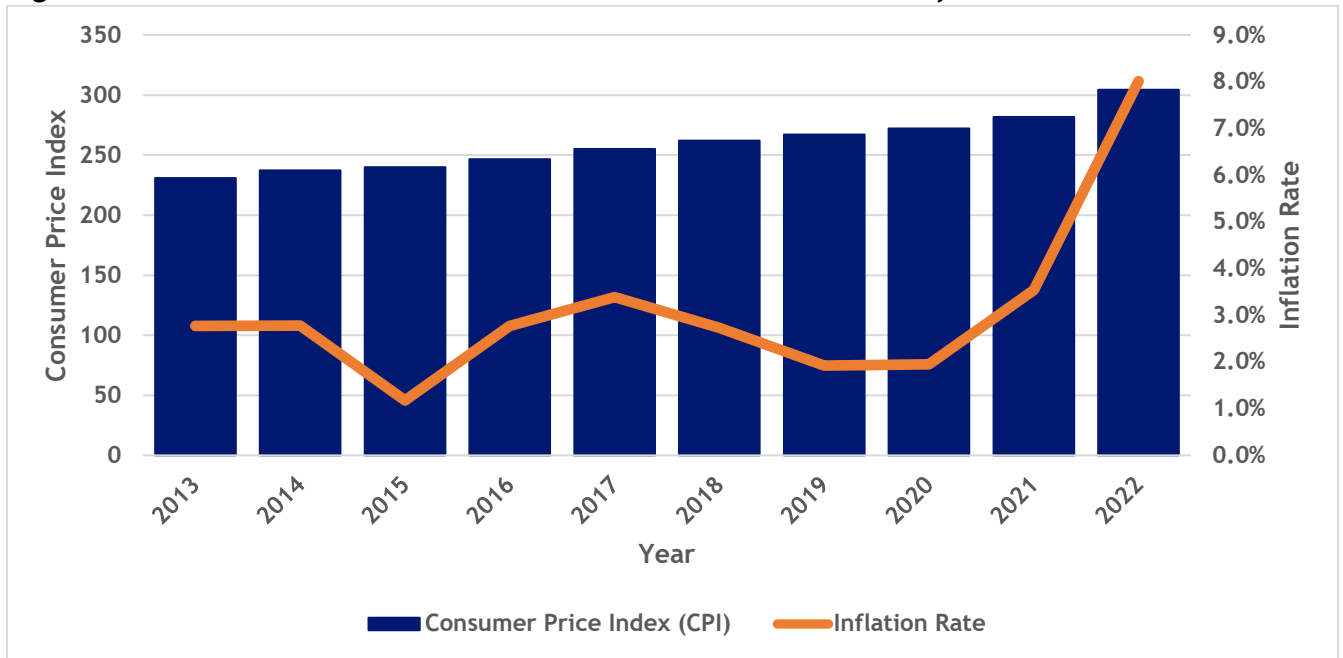


Table 15 - Denver-Aurora-Lakewood Consumer Price Index (CPI) and Inflation Rate, Change from Previous Year and 2013

Statistic	2022 Data	Percent Change from Previous Year	Percent Change from 2013
Consumer Price Index	304.424	8.0%	31.9%
Inflation Rate	8.0%	128.5%	185.7%

Table 16 - Denver-Aurora-Lakewood Consumer Price Index (CPI) and Inflation Rate, by Year

Year	Consumer Price Index (CPI)	Inflation Rate
2013	230.791	2.8%
2014	237.200	2.8%
2015	239.990	1.2%
2016	246.643	2.8%

Year	Consumer Price Index (CPI)	Inflation Rate
2017	254.995	3.4%
2018	261.958	2.7%
2019	266.999	1.9%
2020	272.207	2.0%
2021	281.845	3.5%
2022	304.424	8.0%

Data Source:

U.S. Bureau of Labor Statistics

Consumer Price Index - Regional Resources

[Regional Resources: U.S. Bureau of Labor Statistics \(bls.gov\)](https://www.bls.gov)

Updated: March 29, 2023

Fuel Prices

Updated on a weekly basis, fuel prices are displayed as an average price for conventional retail gasoline sales throughout the state. This data, provided by the U.S. Energy Information Administration within the U.S. Department of Energy, is available one week after the reporting week has concluded. Additionally, this data can also be available for specific grades of gasoline, and for the Denver Metropolitan Area, on an average per week basis.

Figure 9 - Colorado Weekly Conventional Retail Gasoline Prices

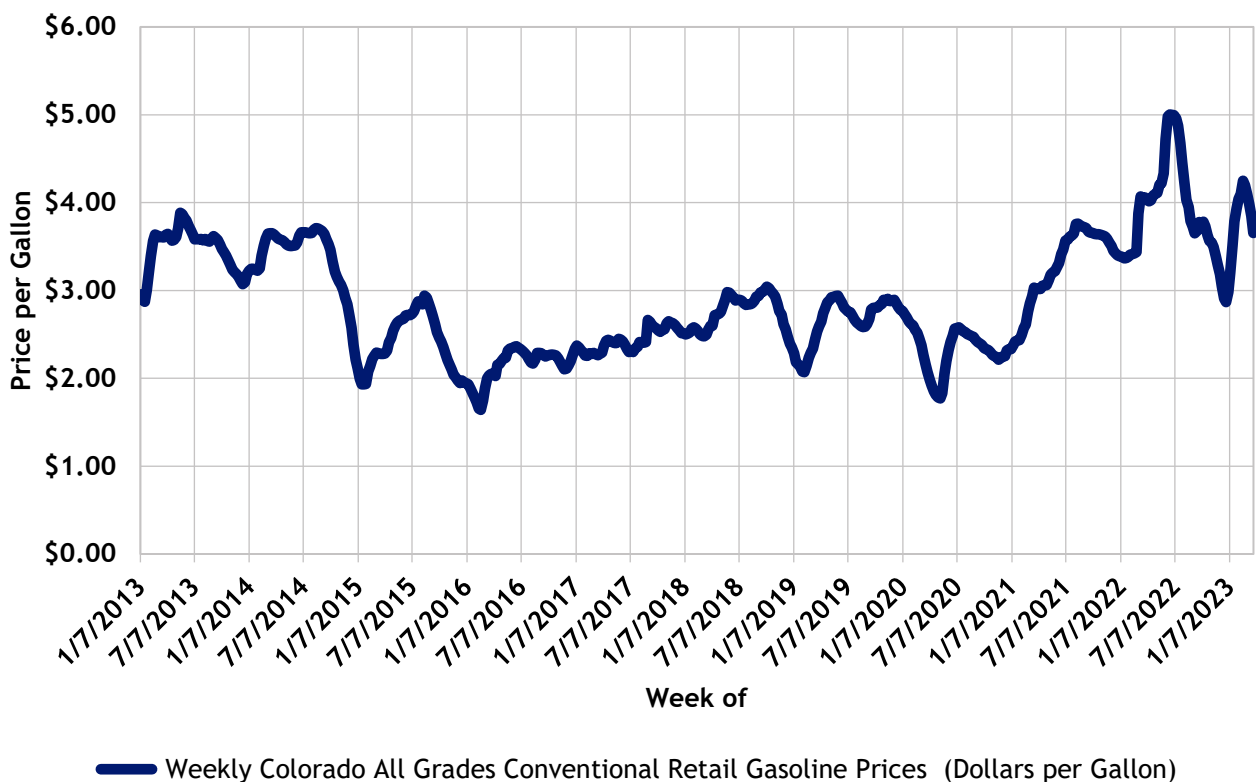


Table 17 - Colorado Weekly Conventional Retail Gasoline Prices, Change from Latest Reported Week, Previous Year and 2013

Statistic	Week of March 27, 2023	Percent Change from Previous Year	Percent Change from 2013
Conventional Retail Gasoline Price	\$3.65	-10.1%	1.11%

Table 18 - Colorado Weekly Conventional Retail Gasoline Prices, Highest and Lowest Weekly Price, by Year

Week of	Lowest Gasoline Price	Highest Gasoline Price
2013	\$2.87 (Jan. 21, 2013)	\$3.88 (May 20, 2013)
2014	\$2.21 (Dec. 29, 2014)	\$3.71 (Aug. 18, 2014)
2015	\$1.93 (Jan. 19, 2015)	\$2.94 (Aug. 17, 2015)
2016	\$1.64 (Feb. 22, 2016)	\$2.36 (Jun. 20, 2016)
2017	\$2.25 (Feb. 13, 2017)	\$2.66 (Sep. 4, 2017)
2018	\$2.35 (Dec. 31, 2018)	\$3.04 (Oct. 8, 2018)
2019	\$2.07 (Feb. 11, 2019)	\$2.94 (Jun. 3, 2019)
2020	\$1.77 (May 11, 2020)	\$2.77 (Jan. 6, 2020)
2021	\$2.33 (Jan. 4, 2021)	\$3.76 (Aug. 16, 2021)
2022	\$2.87 (Dec. 26, 2022)	\$5.00 (Jun. 20, 2022)

Data Source:

U.S. Energy Information Administration

Petroleum & Other Liquids - Weekly Colorado All Grades Conventional Retail Gasoline Prices

[Weekly Colorado All Grades Conventional Retail Gasoline Prices \(Dollars per Gallon\) \(eia.gov\)](https://www.eia.gov)

Updated: March 27, 2023



MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: PATRICK HOLINDA, BRIDGE AND TUNNEL ENTERPRISE MANAGER
DATE: MAY 18, 2023
SUBJECT: BRIDGE AND TUNNEL ENTERPRISE Q3 FY2023 QUARTERLY REPORT

Purpose

The Bridge & Tunnel Enterprise (BTE) staff has prepared this quarterly program report to provide the BTE Board of Directors an update of recent program activities. Summarized below are key elements contained in the report. The report is available in its entirety at: <https://www.codot.gov/programs/BridgeEnterprise/QuarterlyReports/fy2023-quarterly-reports>.

Action

This report is for informational purposes only; no action is requested from the Board.

Background

BTE Resources Leveraged to Deliver the 10-Year Plan

In Q3 FY2023, BTE continued to support the delivery of the 10-Year Plan by allocating funding to address critical bridges and tunnels identified in the plan with the goals of increasing the safety, efficiency, and reliability of Colorado's transportation network. In total, the BTE eligible scope contained within the 10-Year Plan includes 65 bridges and the repair and maintenance backlog at the Eisenhower Johnson Memorial Tunnels. Construction was completed for three structures included in the Region 1 Regionwide Bridge Rehabilitation and Maintenance 10-Year Plan project during this quarter: US 36 ML over Draw, US 40 ML over Draw, and I-70 Service Road over Draw in Arapahoe County.

I-270 Critical Bridges Project

The I-270 Critical Bridges project will accelerate the replacement of eight total bridges, six of which are BTE eligible, on the I-270 corridor between York Street and Vasquez Boulevard in advance of the larger I-270 Improvement and Congestion Relief 10-Year Plan project. The bridges have been in service for more than 50-years and are beyond their intended service lives. CDOT and the BTE have placed a high priority on replacing these eight structures on an accelerated timeline due to the increasing frequency and severity of planned and unplanned bridge deck repairs. These deck repairs create disruptions to the traveling public due to the lane closures needed to perform the repair projects and are a major safety concern. Since 2006, there have been over 300 documented bridge repairs along this corridor, totaling over \$1 million in repair costs. This quarter, the BTE Board of Directors helped advance the project by approving a budget supplement that will fund the project through preliminary design.

US 285/CO 9 Intersection Improvement with Bridge Widening

The replacement of US 285 ML over the Middle Fork of the S. Platte River (H-13-A), a BTE eligible structure, is being included in the larger US285/CO9 Intersection Improvement 10-Year Plan project. This project will address operational deficiencies and severe congestion in a high traffic area at the intersection of US 285 and CO 9 in the town of Fairplay by replacing and widening the BTE-eligible bridge, adding dual left turn lanes, upgrading the traffic signal, adding lighting, improving drainage, and managing access locations. Community connectivity is also improved by the addition of protected pedestrian crossings and new sidewalks to access the local school and the commercial properties on and near Main St. in Fairplay. Additionally, the project will help enhance the resiliency of the transportation network as this critical east-west corridor provides redundancy for I-70. This quarter, the BTE Board of Directors approved a budget supplement to provide the additional construction phase funding needed to award the project.

FY2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Submissions

On January 3, 2023, the U.S. Department of Transportation (USDOT) released a Notice of Funding Opportunity (NOFO) for the FY 2023 RAISE Grant Program. The RAISE grant program is part of the Local and Regional Project Assistance Program in the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law or IIJA) which is focused on advancing significant local and regional surface transportation projects. Staff evaluated projects with the highest probability of award based on the selection criteria outlined in the NOFO. Three separate 10-Year Plan projects



with BTE eligible structures were identified as top candidates for submission. This quarter, the BTE Board of Directors approved a resolution to provide state matching funds for BTE-eligible components of the projects to increase the competitiveness of the applications. The projects and BTE eligible structures are tabulated below.

Major Project	Bridge ID	Region	Facility Carried over Featured Intersection	County	Deck Area
US 6 & Wadsworth	F-16-O	1	US 6 ML over SH 121 ML	Jefferson	21,065
I-76 Phase IV	C-22-AY	4	I-76 ML EB over BNSF, Beaver Creek	Morgan	20,710
	C-22-BG		I-76 ML EB over US 34 Spur		8,277
Elmore's Corner	P-05-B	5	US 160 ML over Florida River	La Plata	3,541

Program Progress

In Q3 FY2023, staff continued to make progress addressing the state's "Poor" bridge population. The BTE program continues to deliver near historic levels with a robust active project portfolio consisting of 29 bridge projects that will rehabilitate or replace 71 BTE eligible structures and address approximately half a million square feet of eligible poor-rated bridge deck area statewide. A summary of the Enterprise's activities and accomplishments for this period is provided below.

Structures with Design Funding Increases Approved Q3 FY2023

Structure ID	Region	County	Facility Carried over Featured Intersection	Budget
E-17-ID	1	Adams	I-270 ML WBND over S. Platte River	\$2,981,750
E-17-IE			I-270 ML EBND over S. Platte River	
E-17-IF			I-270 ML WBND over Burlington Canal	
E-17-IG			I-270 ML EBND over Burlington Canal	
E-17-IH			I-270 ML WBND over SH 265 ML & RR	
E-17-IJ			I-270 ML WBND over Service Rd. & RR	

Structures with Construction Funding Established in Q3 FY2023

Structure ID	Region	County	Facility Carried over Featured Intersection	Budget
D-25-E	4	Washington	SH 61 ML over Surveyor Creek	\$5,227,100

Structures that Completed Construction in Q3 FY2023

New Structure ID	Old Structure ID	Region	County	Facility Carried over Featured Intersection
F-19-EA	F-19-E	1	Arapahoe	US 36 ML over Draw
F-20-JA	F-20-J	1	Arapahoe	US 40 ML over Draw
F-20-LA	F-20-L	1	Arapahoe	I-70 Service Rd. over Draw

Program Schedule Update

In Q3 FY2023, the overall 3-year program Schedule Performance Index (SPI) increased to 1.03, while the active project SPI decreased to 1.03 (down from 1.08), which is well above the program goal of 0.90. These key performance indicators are used by program staff to monitor projects that have the potential to fall behind their baseline schedule. An active project SPI above 0.90 generally indicates that projects in the program's active project portfolio are being executed efficiently. The program 3-year and active monthly SPI for Q3 FY2023 is listed below.

Month	Overall SPI	Active SPI
January	1.04	1.08
February	1.02	1.03
March	1.03	1.03

Budget and Encumbrance Balances

BTE staff continues to coordinate with Region staff to de-budget projects that are substantially complete in accordance with the SB 16-122. Since December 31, 2022, the budget and encumbrance balances have increased by \$404,047 to provide resources for a project that is in the dispute process.

Program Financial Information

As of Q3 FY2023, actual year-to-date BTE FASTER revenues were \$80.6M, which is \$1.2M below the forecast rate of collections, when applied to the FY2023 revenue budget of \$109.0M. Actual YTD SB-21-260 revenues were \$13.6M, which is \$1.4M below the forecast rate of collection, when applied to the FY2023 revenue budget of \$20.1M.



Quarterly Status Report

January 2023 through March 2023



PREPARED BY:



IN CONSULTATION WITH:



DATE: April 24, 2023

TO: Colorado Transportation Commission (TC)
Colorado Transportation Investment Office (CITO) Board of Directors (formerly the Colorado High Performance Transportation (HPTE))
Colorado Bridge and Tunnel Enterprise (BE) Board of Directors

FROM: Robert Hays, Project Director, Central 70 Project

SUBJECT: Final Quarterly Update

PROJECT PROGRESS

This memo summarizes the status of the Central 70 Project across the following areas:

- Status of Design and Construction
- Status of Pre-Development Budget
- Status of Community Commitments

As the Central 70 Project achieved Substantial Completion during this reporting period, this will be the final quarterly report for the Project.

ACTION

No actions are requested at this time. This memo is for information purposes only.

BACKGROUND

Per the Amended and Restated Central 70 Project Intra-Agency Agreement (IAA) dated September 14, 2021, the Central 70 Project Director shall provide quarterly updates to the Transportation Commission, Colorado Bridge and Tunnel Enterprise (BE) Board of Directors, and the Colorado High Performance Transportation Enterprise (HPTE) Board of Directors through Final Acceptance.

MATTERS REQUIRING POLICY INPUT

None at this time.

COMPLETED MILESTONES THIS QUARTER

January 2023 through March 2023

- Continue punch list item work for all segments.
- Finalizing integration and testing of the Intelligent Transportation Systems (ITS) devices and permanent fiber optic cabling.
- Finalizing work on various stormwater retention pond certifications from Brighton Boulevard to Peoria Street.

- Finalizing testing of Express Lanes tolling infrastructure and equipment.
- Completed York East pond excavation and associated roadway reconstruction work.
- Closed out Corrective Action Request (CAR-032).
- Continued demobilization and site restoration from various construction staging yards within the project limits. The Central 70 Project Office trailers will be demobilized in July 2023.
- Continued seasonally restricted final I-70 striping with reflectivity verification to be completed by end of May 2023.
- Completed final profile grinding of I-70 pavement for smoothness.
- Continued landscaping corridor wide.
- Completed development of the Substantial Completion punch list.
- Substantial Completion was achieved February 16, 2023.
- Continue compiling project documentation for Final Acceptance.
- Continued review of As-Built design plans.

UPCOMING MILESTONES

April 2023 through June 2023

- Commence tolling of I-70 Express Lanes in May/June.
- Issue Notice of Substantial Landscaping Completion.
- Closeout outstanding Corrective Action Requests, NCR's and Design Packages.
- Complete review and acceptance as-built packages.
- Complete installation of ROW fencing around remnant parcels.
- Complete Pond certification process.

LAWSUIT UPDATE

All lawsuits associated with the Project to date have been resolved.

As part of the settlement agreement with the Sierra Club plaintiffs (Sierra Club, Elyria and Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Colorado Latino Forum), CDOT funded a health study of the Elyria-Swansea neighborhoods. The Colorado Department of Public Health and Environment (CDPHE) is leading this effort on behalf of the State. CDPHE signed a contract with ENVIRONS and Colorado State University (CSU) to conduct the study in March 2022 and the study is underway. Meetings are being held monthly at the CSU Spur at the National Western Complex.

ISSUES

KMP achieved Substantial Completion on February 16, 2023.

The Federal Emergency Management Agency (FEMA) approval of the Letter of Map Revision (LOMR) for the Sand Creek overflow channel continues to drive the completion date for the

project. KMP submitted the LOMR documents to the flood plain administrator (City and County of Denver) for review in September 2022 and to FEMA in November 2022. Comments were received from each entity in December 2022. KMP addressed these comments with a resubmittal on February 14, 2023. As this entire process typically takes a year, KMP and the Enterprises continue working with the City and County of Denver on options to accelerate this process (the concurrent Denver and FEMA reviews being one such acceleration). As KMP submitted the remaining LOMR documents to FEMA prior to Substantial Completion, the Enterprises agreed to allow the LOMR approval to be added to the punch list. The Enterprises will continue to monitor the status of the LOMR review and its impacts on the Final Acceptance deadline (July 29, 2023).

The Enterprises, KMP, and the City and County of Denver continue to resolve remaining punch list items on the Cover Top from Denver Parks and Recreation (DPR) and other City entities. All parties continue to work together making progress towards resolution of these items

KMP continues to work with Jorgenson (the Operations and Maintenance (O&M) Contractor) on updating various management plans and submittals required for the Operating Period. As of the date of this report, KMP has received either Acceptance or Conditional Acceptance on 16 of the 20 submittals required for the Operating Period. The Enterprises continue to monitor and have regular discussions with KMP regarding the status of the Operating Period submittals and plans.

Supervening Events (SE) are summarized in the table below (shading indicates the SE is closed). There are no open SEs as of the date of this report.

SEN #	Description	Date Received from KMP	Type of SEN	Status
1	UPRR Agreement Delay, Request for Extension to Detailed Supervening Event Submission	04/25/2018	Comp Event	Resolved with 2 nd Amendment to the Project Agreement
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Resolved with 2 nd Amendment to the Project Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by KMP
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Resolved with 2 nd Amendment to the Project Agreement
5	Swansea Asbestos Containing Material	07/07/2018	Comp Event	Change Order was executed on 09/03/2019
6	AP-83 Asbestos Containing Material	10/10/2018	Comp Event	Withdrawn by KMP
7	Sand Creek Bridge	11/20/2018	Comp Event	Change Order was executed on 05/06/2020

SEN #	Description	Date Received from KMP	Type of SEN	Status
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
9	Structure E-17-FX Viaduct	12/17/2018	Comp Event	Withdrawn by KMP
10	UPRR Transverse Plate Welding	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
11	UPRR Underside Plate Welding	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
12	UPRR Drip Plates	02/22/2019	Comp and Relief Event	Withdrawn by KMP
13	UPRR Bearings	02/22/2019	Comp and Relief Event	Withdrawn by KMP
14	UPRR Impact Loading	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
15	UPRR Rebar Detailing	02/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
16	Severe Weather Event - Bomb Cyclone	03/27/2019	Relief Event	Withdrawn by KMP
17	UPRR Shoring	03/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement
18	UPRR Shoring Unexcused RR delay	03/28/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
19	AP-102 Hazardous Material	03/27/2019	Comp Event	Withdrawn by KMP
20	Reserved			Not submitted to Enterprises
21	UPRR Steel Notes	05/02/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement
22	UPRR Steel Notes Relief	05/02/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement
23	Recognized Hazardous Material (RHM) 46 th and Steele Southwest Gore Asbestos	05/29/2019	Comp Event	Withdrawn by KMP
24	UPRR Crossing Diaphragm Spacing	06/14/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 8
25	UPRR Transverse Plate Welding	06/19/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 10
26	UPRR Underside Plate Welding	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 11.
27	Reserved			Not submitted to Enterprises

SEN #	Description	Date Received from KMP	Type of SEN	Status
28	Reserved			Not submitted to Enterprises
29	UPRR Impact Loading	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 14.
30	UPRR Rebar Detailing	06/28/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 15.
31	UPRR Drainage Review	08/22/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement.
32	UPRR Drainage Review	08/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 31.
33	UPRR Unreasonableness	08/22/2019	Comp Event	Closed. Included in 2021 Memorandum of Settlement.
34	UPRR Unreasonableness	08/22/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 33.
35	Fire Department Review	12/26/2019	Delay Relief Event	Closed. Included in 2021 Memorandum of Settlement.
36	Fire Department Review	12/26/2019	Relief Event	Closed. Included in 2021 Memorandum of Settlement. Related to SE Event 35.
37	Discovery of Recognized Hazardous Material – Dahlia & Stapleton Asbestos-Containing Material (ACM)	01/31/2020	Comp Event	Withdrawn by KMP
38	Enterprises’ Failure to Grant and Extension of Time	04/14/2020	Comp Event	Closed. Included in 2021 Memorandum of Settlement.
39	Swansea School Asbestos Containing Material – Phase 2	05/04/2020	Comp Event	Change Order was executed on 09/13/2021.
40	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Comp Event	Withdrawn by KMP
41	Shutdowns, Suspensions, Disruptions and Other Impacts Related to COVID-19	05/21/2020	Force Majeure, Delay and Relief Events,	Withdrawn by KMP
42	Discovery of Recognized Hazardous Material – 46 th & Jackson RHM	06/15/2020	Comp Event	Withdrawn by KMP
43	Discovery of Recognized Hazardous Material – 46 th & Pilot ACM	07/30/2020	Comp Event	Withdrawn by KMP

SEN #	Description	Date Received from KMP	Type of SEN	Status
44	RHM – E 46th S between Milwaukee and Steele ACM	04/20/2022	Comp Event	Withdrawn by KMP
45	RHM – I-70 and Coliseum	05/16/2022	Comp Event	Withdrawn by KMP
46	Swansea Underground Storage Tank	06/15/2022	Comp Event	Withdrawn by KMP

SCHEDULE STATUS

KMP reported that the Project is 99.9% complete through March 2023. Design is 100% complete and construction is 99.9%.

Revised Baseline Schedule 6 (RBS6) is the current project schedule. The Critical Path of the Project continues to be driven by the preparation, submittal, and approval of the Letter of Map Revisions for the Sand Creek Overflow channel, with the anticipated FEMA approval driving Final Acceptance. See earlier discussion on the status of the Sand Creek LOMR.

KMP achieved Substantial Completion this period, with only punch list items remaining to be completed.

KMP continued to work on close-out for all three railroads (DRIR, BNSF, and UPRR) this period. The as-built package for BNSF was submitted to BNSF for approval in December 2022, but is dependent on BNSF and CCD resolving a pre-emption issue at the BNSF crossing of East 46th Avenue. The as-built packages for UPRR and DRIR were accepted this reporting period.

Major construction activities are complete on the Project, with the focus now on completing punch list items throughout the corridor and transitioning into the Operating Period. KMP continues to prepare close-out documentation for submittal to the Enterprises and Third-Parties.

Landscaping installation continued until the end of October 2022 but was suspended for the winter. KMP resumed irrigation and planting for those areas that had not been previously completed this period, with a goal of achieving Substantial Landscape Completion prior to May 31, 2023.

Tolling equipment and integration by ETC is complete. Tolling is scheduled to commence in May/June 2023.

The table below provides a summary of the current status of the project Completion Milestones.

Event	Baseline Date	Forecast Date	Status
Commercial Close	11/21/2017	NA	Completed 11/21/2017
Financial Close	12/21/2017	NA	Completed 12/21/2017
NTP1	02/09/2018	NA	Completed 02/09/2018
NTP2	06/01/2018	NA	Completed 07/10/2018
NTP3 (Snow and Ice Control Services)	07/01/2018	NA	Completed 07/18/2018
Payment Milestone 1 (Sand Creek Bridge to Chambers Road)	12/09/2019	NA	Completed 12/09/2019
Milestone 2A* (WB I-70 between Monaco and Colorado; outside bridge decks complete)	11/10/2020	N/A	Completed 11/05/2020
Milestone 2B* (Sta 2091+00 (Dahlia Street) to Sand Creek Bridge)	09/29/2021	N/A	Completed 09/29/2021
Payment Milestone 3* (UPRR Phase 4B, switch SY-112 to new bridge)	10/17/2020	N/A	Completed 10/17/2020
Payment Milestone 4A* (UPRR Phase 5)	09/26/2021	N/A	Completed 09/26/2021
Payment Milestone 4B* (Viaduct Demolition)	12/20/2021	N/A	Completed 09/29/2021
Payment Milestone 5A* (Cover Girders, EB Colorado Off-Ramp, EB I-70 Mass Excavation)	03/25/2022	N/A	Completed 03/25/2022
Payment Milestone 5B* (EB I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6, WB I-70 SMA Paving)	10/28/2022	N/A	Completed 10/28/2022
Payment Milestone 6* (Cover Top, 46 th Avenue South)	11/23/2022	N/A	Completed 11/23/2022
Complete Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	02/15/2023	N/A	Completed 04/04/2023
Substantial Completion	02/16/2023	N/A	Completed 02/16/2023
Final Acceptance	07/29/2023	07/29/2023	0 days
Design/Build Phase Close-out**	01/29/2024	12/25/2023	0 days
*Modified as part of the Fourth Amendment to the Project Agreement. ** Completion of Final project documentation.			

BUDGET STATUS

The project budget reflects the 2023 Annual Update to the Financial Plan that was approved by FHWA in March 2023.

Enterprises Costs Estimate	Amount
Environmental Phase	\$40.7M
Procurement Phase	\$83.0M
Delivery Phase	\$65.2M
Miscellaneous Enterprise Reserve*	\$16.8M
ROW Phase	\$117.2M
Utility Phase	\$23.7M
Enterprises Construction Contingency	\$48.5M
Enterprises Construction Total	\$378.2M

*Included in Delivery Phase Amount

Included in the funds listed in the above table, the Enterprises have established an Enterprises' Construction Contingency (funded by the Department and the Colorado Bridge and Tunnel Enterprise) to cover additional costs due to Supervening Events and Change Orders during the construction phase of the Project. Per the Project Agreement, the Enterprises have the option of paying KMP for changes via a lump sum payment or by adjusting the annual availability payment. The current balance of this contingency fund is provided in the table below.

The Enterprises previously reallocated funds from cost underruns in the Utility and Delivery Phases of the Project to supplement the Project Contingency. The Utility Phase of the Project realized cost savings due to the Burlington Northern Sante Fe (BNSF) and UPRR railroad agreement (RRA) actual construction costs being lower than originally estimated. As the BNSF and UPRR RRA work, for which the Enterprises were responsible to pay the railroads directly, has completed, the Enterprises elected to reallocate \$11M from the unused Utility Phase funds to cover project contingency overruns. The Utility Phase still maintains an unused balance of over \$1M that will not be reallocated until the UPRR and BNSF final invoices are settled. In addition, the Miscellaneous Enterprise Reserve from the Delivery Phase is also anticipated to have remaining funds available at Final Acceptance based on actual costs to date. Finally, KMP was not able to achieve Substantial Completion by December 31, 2022, so the 2021 Settlement Agreement Incentive of \$2.5M was not paid to KMP and these funds were reallocated to the Project Contingency. The Enterprises continue to monitor these cost underruns in the Utility and Delivery Phases as the Project approaches Final Acceptance. The Project has sufficient budget to cover all identified costs.

Contingency	Amount (in millions)
Enterprises Change Order/Supervening Event Initial Contingency	\$45.9M
Enterprises Transfer of Unused Funds from Utility and Delivery Phases to Change Order/Supervening Contingency	\$11.0M
Executed Change Orders – Previous	\$28.4M
Executed Change Orders – Current Quarter	\$0.3M
Settlement Agreement	\$7.6M
2021 Settlement Agreement (Base)	\$12.5M
2021 Settlement Agreement (Incentive)*	\$0M
Remaining Enterprises Change Order/Supervening Event Contingency Balance	\$8.1M

*2021 Settlement Agreement (Incentive) of \$2.5M was not achieved by KMP

CONTRACT CHANGE NOTICES

As of March 31, 2023, the Enterprises have executed (128) Change Orders, issued (81) Enterprise Change Notices, received (39) KMP Change Notices, issued (31) Directive Letters, received (43) Supervening Event Notices, received (41) Preliminary Supervening Event Submissions, and received (23) Detailed Supervening Event Submissions. The change orders executed to date have had a net cost of \$28.7 million to the Project.

No claims have been filed by KMP against the Project.

QUALITY

KMP is responsible for implementation and maintenance of an effective quality program to manage, control, document and ensure KMP compliance with all obligations and requirements in the Central 70 Project Agreement. The Enterprises implement the quality oversight program to monitor KMP’s quality program but are not responsible for implementation of KMP’s quality program. However, the Enterprises retain the responsibility for acceptance of the work based on the assessment and test results of the quality oversight program summarized below.

Owner Verification Testing: The Owner Verification Testing program was completed in February 2023. Other than as detailed in the Enterprises’ Quality Reports to the Federal Highway Administration (FHWA), the Enterprises’ Owner Verification Testing (OVT) program has statistically verified and validated that all materials placed by KMP are in full conformance with Project Agreement requirements.

Independent Assurance Testing (IAT): The Independent Assurance Testing program was completed in February 2023. The Enterprises’ IAT program tested each OVT and Independent Quality Control (IQC) tester for each test procedure at least once per year. The Enterprises have determined that all Owner Verification and KMP IQC testers are qualified to test on the Project through March 2023.

Construction Verification Inspections (CVI): The Construction Verification program was completed in January 2023. The Enterprises’ CVIs evaluated KMP compliance with Project Agreement (PA) requirements by assessing a risk-based percentage of their Construction Work. All non-conforming work identified by the Enterprise is resolved through KMP’s nonconformance report closure process. From January 2023 through March 2023, the Enterprises’ conducted 12 CVIs, yielding a 98 percent overall conformance percentage. For the entire project through March 2023, the Enterprises’ have conducted 2,887 CVIs, yielding a 95 percent overall conformance percentage. KMP performed well for permanent construction work such as Electrical/ITS, Structures, Walls, Roadway, Earthwork, Cover, and Utilities. All nonconforming construction work identified by either KMP or the Enterprises has been properly addressed through the Nonconformance Reports (NCR) process. Open NCRs and other minor remaining construction Work will be tracked via the Substantial Completion Punchlist.

Project Management Process Audits: The Enterprises’ Project Management Process Audits evaluate KMP compliance with the PA and processes prescribed in KMP’s approved Management Plans. The Department is currently focused on auditing KMP Operating Period processes. From January 2023 through March 2023, the Enterprises’ conducted 13 process audits, yielding a 76% percent overall conformance percentage (excluding civil rights audits). For the entire Project through March 2023, the Enterprises’ conducted 784 process audits, yielding an 87 percent overall conformance percentage (excluding civil rights audit). Notable and outstanding process quality issues for this reporting period are presented below. This list includes all the open Corrective Action Requests (CAR).

Element	Process	Issue	Status
Construction Quality Management	As-Built Verification for Invert Elevations of Drainage Structures	KMP found that multiple drainage structures along the Fixed Firefighting Suppression drainage system were out of tolerance, leading to negative flow. In September 2021, KMP notified the Department that they do not have records verifying the invert elevations for all the other drainage structures that they had placed on the Project.	In September 2021, the Department Approved KMPs corrective action plan to address this issue. KMP plans to go back and re-survey all invert elevations for previously placed structures. They will also revise the PC Drainage checklist to ensure that they document invert elevations before building on top of the structures. As of December 2022, KMP is currently resurveying the numerous inverts and has not yet submitted as-builts and nonconformance information to the Department. The Department requires that this is closed prior to Final Acceptance. OPEN

Element	Process	Issue	Status
Operations and Maintenance	Operations and Maintenance Quality Management Plan (OMQMP)	KMP issued a corrective action to address the OMQMP and discrepancies between what was detailed in the plan and what has been implemented in the field. This Corrective Action was developed in response to various deficiencies in implementation observed in the field.	For Closure, KMP needs to resubmit the OMQMP and then properly implement the plan for a quarter. The Department accepted the revised OMQMP, but KMP has not implemented the plan consistently. Department process audits show that KMP needs to improve their OMQMP implementation. The Department requires that this is closed prior to Final Acceptance. OPEN
Construction Quality Management	Cover Systems Communications	In June 2022, the Department requested KMP to investigate the root cause and develop a corrective action plan to address active Head-to-head Cover Systems going offline. From the start of May 2022 and into June 2022, the Jorgensen CTMC Operators sent approximately fourteen emails describing Cover System communication issues.	KMP Has stopped receiving frequent Cover System Communication issues. KMP has developed an efficient process to track and correct Individual issues as they arise. This Corrective Action was closed in January 2023. CLOSED
Construction Quality Management	Pump Station Failure	On August 7, 2022, a significant rain event resulted in deep standing water on I-70 mainline between Columbine and York from 7:00 PM to 9:40 PM. The pumps did not automatically start as designed.	KMP has completed all procedural and operation improvements related to the Corrective Action. This Corrective Action was closed in February 2023. CLOSED

Element	Process	Issue	Status
Construction Quality Management	Deluge Valve Cabinet Heaters	On 12/19/22, Department requested that KMP develop three separate Corrective Action Plans to mitigate significant concerns related to the Deluge Valve Cabinet (DVC) flow alarms and freezing that occurred on 12/17/22 and 12/19/22. (1) Temporary monitoring plan, (2) long term solution to prevent valve freezing, (3) operational improvements for monitoring and response.	KMP has developed the temporary monitoring and heating plan and successfully prevented freezing valves during the Arctic Blast (12/21/22). They have mostly completed design changes and operational improvements for the other two items. The Department requires that this is closed prior to Final Acceptance. OPEN

Design Verification Reviews (DVR): The Enterprises’ DVRs evaluate KMP compliance with PA requirements by assessing KMP’s design plans and other deliverables. From January 2023 through March 2023, the Enterprises’ conducted 23 DVRs yielding a 90 percent overall conformance percentage. For the entire Project, the Enterprises conducted 396 reviews, yielding an 86 percent overall conformance percentage. All noncompliant design identified by the Enterprises is resolved prior to KMP releasing the plans for construction. The Department is currently focused on reviewing Civil Rights Documents, Operating Period Plans, and As-Built Submittals.

MAINTENANCE/TRAFFIC ISSUES

The focus of routine maintenance work for this reporting period included flexible and rigid pavement maintenance; shoulder and slope repair; drainage structure cleaning; litter, trash and sweeping; graffiti removal; traffic services inspection; sign maintenance; safety patrol operations; snow and ice operations; snow fence installation repair; CTMC/tunnel operations and resolution of any safety critical or hazardous defects which occurred during the reporting period.

The construction assessment team has been performing weekly assessments of the Maintenance of Traffic (MOT)/Method(s) of Handling Traffic (MHT) setups. Any issues are being communicated with and addressed by KMP.

SAFETY ISSUES

With the achievement of Substantial Completion, KMP had very limited construction activities occurring during the reporting period (primarily punch list work). As such, safety data was not available.

CIVIL RIGHTS STATUS

Small Business Disadvantaged Business Enterprise (DBE)/Emerging Small Business (ESB) Goals

Design Status through the 1st Quarter of 2023: KMP's DBE goal for the design is 11.6% (\$6.65 million). KMP has commitments to DBE design firms of 14.47% (\$8.23 million) and payments to DBE design firms of 14.27% (\$8.18 million); the commitment amount exceeds the KMP DBE goal for the design period. KMP's ESB goal for the design period is 3.0% (\$1.72 million). KMP has commitments to ESB design firms of 9.89% (\$5.67 million^{*}) and payments to DBE design firms of 9.80% (\$5.62 million); the commitments and payments exceed the ESB goal for design for the Project.

Construction Status through the 1st Quarter of 2023: KMP's DBE goal for the construction is 12.5% (\$95.9 million). KMP has commitments to DBE construction firms of 17.97% (\$137.8 million) and payments of 17.82% (\$136.7 million); this exceeds the KMP DBE goal for the construction period. KMP's ESB goal for the construction period is 3.0% (\$23 million). KMP has commitments to ESB construction firms of 10.53% (\$80.8 million) and payments of 8.63% (\$66.2 million); this exceeds KMP's ESB goal for construction for the Project.

^{*}Dollar value of the contract was decreased. Additionally, payment amounts and counting amounts are being updated as closeouts are processed.

Workforce Development Program and Goals

The WORKNOW program combines construction workforce training and supportive service programs into one coordinated program. The Central 70 Project is a founding partner of WORKNOW. For further information on the WORKNOW Program please go to: <https://worknow.org/accomplishments-to-date/>

KMP and its subcontractors have enrolled local hires for both professional services and construction. They have enrolled 657 local hires to date. The total Local Hire hours decreased to 1,086,332.91 due to reporting in LCPtracker^{*}; with more than 50% of those hours completed by New Hires. KMP has met their Local Hire Goal based on hours reported in LCPtracker and has met the Goal for the Local Hire Incentive.

^{*} This number will fluctuate per quarter due to payrolls being rejected / accepted / resubmitted / contractors removed, etc.

KMP has enrolled 295 On-the-Job Training (OJT) participants since inception. To date, 352,423 OJT hours have been reported. Based on the number of hours reported, the OJT Goal of 200,000 hours has been met. KMP has met the OJT Substantial Completion Graduate Incentive with 45 Graduated Retained Apprentices.

MITIGATION/COMMUNITY COMMITMENTS STATUS

As of the date of this report, all the identified Record of Decision (ROD) mitigation measures are either in progress or completed. The ROD included 146 mitigation commitments to be completed as part of the project. The mitigation commitments are being completed in conjunction with the construction work and are being tracked by the Enterprises and KMP in the Monthly Environmental Status Report (ESR). KMP and the Department are working on compiling the environmental closeout documents associated with the Mitigation Completion Report. KMP submitted a draft Mitigation Completion Report on March 23, 2023 and the Department is reviewing this submittal.

The Department worked with stakeholders to develop two historic context documents (one for Argo Park and one for Globeville neighborhood) to fulfill the Historic Creative Mitigation requirement for the Project. The two historic context documents are currently under development with initial drafts expected to be completed by the end of the June 2023. If desired, the communities will then be able to use these context documents to obtain local landmark designation or state or national register of historic places nominations (the Department would only develop the context documents and would not be part of obtaining designation).

This Project is unique in that the core feature of the project—lowering the highway and constructing a Cover/park that will link the two sides of the community back together—was developed to address Environmental Justice (EJ) concerns that arose from original highway construction back in the 1960s.

In addition to the Cover and park, the Central 70 Project includes other unique EJ mitigations such as the recognition of the importance of the Swansea Elementary School as a community center. These mitigations include two new early childhood education classrooms, a new heating and air conditioning (HVAC) system, new exterior windows and doors, a relocated and renovated main entrance and administration offices, and a new playground at the Swansea Elementary School. The table below provides the status of the EJ mitigations.

Mitigation	Status	Notes
Targeted assistance to crucial businesses to remain in the neighborhood.	Complete	Assistance was provided to all businesses that were displaced by the project per the Uniform Act. All impacted businesses have been completed and reestablished in their new location per the Uniform Act. KMP will continue the Community Outreach for businesses within the project area.
Provide funding to assist displacees with financial counseling and procurement of financing.	Complete	Funding has been provided through Community Resources and Housing Development Corporation (CRHDC)
Provide before, during, and after environmental sampling to assure the project has not caused re-contamination of residential properties.	Complete	Pre-construction soil sampling on seven residential properties was completed in June 2018. During construction soil sampling on seven residential properties was completed in August 2020. Post-construction sampling on seven residential properties was completed in January 2023.
Mitigate noise and dust impacts by providing residents living adjacent to the project new storm windows, furnace filters, and air conditioning units.	Complete	Assessments and installations of improvements were completed on 03/14/2019. Ongoing warranty work and energy credits will continue through the Construction Period.
Fresh Food Access – Provide \$100,000 to Denver Office of Economic Developments Globeville Elyria-Swansea (GES) Healthy Food Challenge.	Complete	The Enterprises transferred funds to the City and County of Denver in early November 2018; an initial report was received by the Enterprises in July 2019.
Provide \$2M in funding to support affordable housing in Elyria and Swansea neighborhoods.	Complete	The Enterprises transferred funds to Brothers Redevelopment in late November 2018; quarterly reports began in 2019.
Monetary Incentive for Managed Lanes	Complete	GES low income program has gone live and residents are able to sign up. Residents will be ready to use the Managed Lanes the day tolling goes live.
Swansea Elementary Phase 1	Complete	Retrofit school building with new classrooms, windows, doors, and HVAC system
Swansea Elementary Phase 2	Complete	Modify outdoor areas around school to provide playground, parking, and access roads during construction period.
Swansea Elementary Phase 3	Complete	Construct temporary outdoor features including playground, parking, and access roads.

Mitigation	Status	Notes
Swansea Elementary Phase 4	Complete	The playground was opened prior to school starting in August 2022 and the multi-use field was opened in November 2022.

COMMUNITY ENGAGEMENT

Community engagement for the project concluded with the end of construction. The public information team continues to work with the City and County of Denver Arts & Venues department to commission public artwork for the park. A separate effort to commission artists to paint the generators at 46th North Avenue and Clayton Street and 46th North Avenue and York Street is also underway.



DATE: May 17, 2023
TO: Transportation Commission
FROM: Jennifer Phillips, Interim Director, Division of Transit & Rail
SUBJECT: DTR Programs Report - Q3 January 1, 2023 thru March 31, 2023

Purpose

This memo provides the Transportation Commission with a Q3 SFY23 update on the Division of Transit and Rail (DTR) Program Activities, with data reflective of the SFY quarter ending March 31, 2023.

Action

For information only. No action needed.

Background

This Memo provides an overview of the programs conducted within DTR, and includes financial, ridership and programmatic data.

DTR strives to ensure that this informational report provides transparency and accountability of all program activities, demonstrating that we are good stewards of public funding and are providing essential transit support to the communities in Colorado. While public transportation comes in many forms, it can be defined as a system that moves people from one location to another in an efficient, affordable manner; it includes buses, trains (including high-speed and light rail), and is designed as an alternative to automobile travel and to reduce unnecessary walking time. Transit systems may operate within a city or connect one (or more) city to another. The benefits of public transportation are amplified when the systems are planned, engineered, and operated with interconnectivity, high-quality user experience and efficiency as a priority.

DTR ensures compliance with the various transit related Procedural/Policy Directives (PDs) 704, 1608.1 and 1605. *Note: DTR is currently reviewing each of the PDs to update them to represent the current state as they have not been updated in some time and things have changed from a transit program standpoint with funding, program activities and federal/state oversight.*

DTR is required to adhere to FTA Circular 5010.1E, which requires that CDOT, as a recipient of FTA funds, provide Federal Financial Reports (FFR's) and Milestone/Progress Reports (MPR's). This information is a joining activity assembled by members of the Division of Transit & Rail (DTR), the HQ Business Office (HQBO) and the Office of Financial Management & Budget (OFMB).

Details

DTR administers various state and federal funding sources and grant opportunities to support the needs of the communities throughout Colorado, and support CDOT's Mission "To enhance the quality of life and the environment of the citizens of Colorado by creating an integrated transportation system that focuses on safely moving people and goods by offering convenient linkages among modal choices."

Transit Administration

State Funds Update

The table below represents the available State funds in DTR’s portfolio. The table provides current year allocation, prior year roll forward, current available balance, planned and current budgeted to project amounts.

FASTER Funding						
Allocation Timeline	Funding	Current Year Allocation Amount	Prior Year Roll Forward	Balance	Planned	Budgeted
Annual Budget (FY23-FY26)	FASTER	\$15M total				
		\$5M Regional Transit	\$311,286	\$5,311,286	\$5,311,286	\$3,954,324
		\$2.5M Statewide Transit	\$8,146,397	\$10,612,366	\$5,671,914	\$2,731,913
		\$2.3M Regional Bus Operations	\$220,001	\$0	\$0	\$0
		Bustang Operations	N/A	\$918,719	-	\$5,138
		Bustang Personal Services	N/A	\$2,430,712	-	\$9,603,456
		DTR Administration	N/A	\$1,298,198	-	\$549,376
Senate Bill Funding						
Allocation Timeline	Funding	Current Year Allocation Amount	Prior Year Roll Forward	Balance	Planned	Budgeted
4 years (FY19-FY22) Project List	Senate Bill 267	\$0	\$86,333,749	\$136,333,749	\$5,380,000	\$1,380,000
(FY16) Project List	Senate Bill 228	\$0	\$4,816,387	\$4,816,387	\$844,312	\$922,872
(FY23) Three Pilot Program \$10M for three years with \$30M upfront	* Senate Bill 180	\$30,000,000	\$0	\$22,258,024	\$0	\$7,741,976
Multi Modal Funding						
Allocation Timeline	Funding	Current Year Allocation Amount	Prior Year Roll Forward	Balance	Commitments	Budgeted
1 year (FY23)	*MMOF State Funds	\$805,066	\$0	\$805,066	\$0	\$0
1 Year (FY23)	*MMOF ARPA	\$35,121,000	\$0	\$35,121,000	\$0	\$0
Fare Box Revenue						
Allocation Timeline	Funding	Current Year Amount	Prior Year Roll Forward	Balance	Commitments	Budgeted
N/A	Regional Commuters Fares	N/A	\$0	\$14,820,410	\$7,566,189	\$7,566,189
N/A	Bustang Bus Replace	N/A	\$0	\$2,699,289	\$0	\$0
N/A	Bustang Reserve Fund	N/A	\$0	\$1,125,000	\$0	\$0

Notice of Funding Availability (NOFA) 2023 Federal and State Transit Funding Super Call for Planning, Administration/ Operating, Mobility Management, and Capital Projects

The Colorado Department of Transportation’s (CDOT) Division of Transit and Rail (DTR) issued the 2023 Call for Projects on July 5, 2022. The 2023 NOFA closed on September 30th, 2022, a total of 117 total applications requesting \$56.7M in state/federal funding were received. The table below illustrates the applications and funds requested.

2023 Application Type	No.	Total Federal/State Requested
Expand existing fleet/service	6	\$1,213,654.00
FASTER/FTA Facility/Capital Equipment	11	\$25,466,478.00
Vehicle Application	25	\$11,036,029.00
FASTER Large UZA_Set Aside	2	\$2,247,268.00
5310 MM	9	\$1,543,782.00
5310 Operating (Rural)	9	\$1,391,441.00
5311 (Expanding/New Service)	8	\$2,396,883.00
5311 (Baseline funding)	35	\$9,892,140.00
5304 Planning	7	\$489,124.00
ZEV	3	\$86,400.00
Settlement Program	2	\$971,026.00
Total	117	\$56,734,225.00

Additional Transit Funding/Contracting (As of May 3, 2023)

- DTR in conjunction with CDOT Regions and TPRs will be responsible for administering approximately \$20M in MMOF Transit Funding during FY23, resulting in 36 grant agreements. Significant process has been made in recent weeks on finalizing these grant agreements.
- DTR in conjunction with our Local Agency partners will be responsible for administering \$4.8M in CDS - FTA Funding during FY23, resulting in 4 grant agreements.

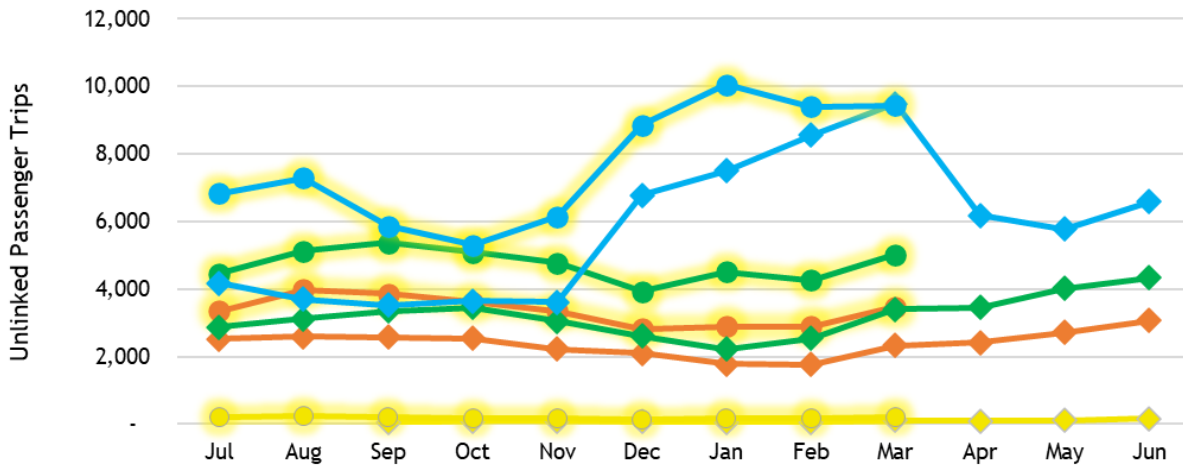
Bus Operations

The Bustang family of services is composed of Bustang, Outrider, Pegasus, and Bustang Seasonal services. Bustang serves the I-25 and I-70 corridors and links major transit systems together thereby offering the traveling public reliable transit service along the highest traveled corridors in the state. Bustang Outrider connects rural Colorado to larger cities and is operated through partnerships with local transit providers. Pegasus is CDOT’s newest service, utilizing small vans to provide frequent, affordable, and reliable transit service.

Bustang: Ridership

Bustang core system ridership continued to improve year-over-year in the third quarter thanks to the Fall 2022 service expansion and continued improvements in the COVID-19 pandemic. Core system ridership increased by 32% over Q3 FY2022, and core system load factor increased from 29% to 34%. The West Line recorded its highest quarterly ridership figure in the nearly eight years of the Bustang program. At times, this led to overflow situations where passengers were unfortunately left behind at stop locations. To address this problem, Bus Operations staff worked with the contractor to reinstate the “paused” expansion round trip between Denver and Glenwood Springs beginning mid-April.

Monthly Bustang System Ridership by Line & Fiscal Year



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
South FY22	2,522	2,590	2,577	2,539	2,228	2,099	1,789	1,765	2,322	2,422	2,714	3,060
South FY23	3,353	3,987	3,864	3,615	3,354	2,823	2,891	2,888	3,462			
North FY22	2,879	3,114	3,339	3,452	3,051	2,616	2,221	2,542	3,392	3,445	4,018	4,325
North FY23	4,446	5,117	5,366	5,082	4,764	3,934	4,506	4,253	5,010			
West FY22	4,173	3,696	3,528	3,638	3,612	6,770	7,503	8,554	9,484	6,175	5,778	6,587
West FY23	6,833	7,280	5,854	5,307	6,139	8,858	10,040	9,401	9,432			
DTC FY22			32	90	90	81	65	50	112	86	115	169
DTC FY23	191	236	200	164	163	125	180	158	202			

Bustang: On-Time Performance

During the quarter, the Bustang system departed on-time on 95% of all operated trips. An on-time departure is defined as no earlier than scheduled departure and no more than 10 minutes later than scheduled. Heavy passenger loads and connecting route delays due to winter weather during the quarter was the primary cause of lower on-time performance for the West Line. On-time performance for individual lines was as follows:

- West Line: 87%
- North Line: 98%
- South Line: 97%
- DTC Line: 94%

Bustang: Farebox Revenue and Farebox Ratio

The Q3 FY2023 farebox recovery ratio (FBRR) for the Bustang core system was 38%, including a 54% FBRR for the West Line. For a complete breakdown of the financials, please see the table below. Financial data for Q3 2022 are not currently available, and thus year-over-year comparisons are not provided for revenue or FBRR.

Q3 FY22*	Q3 FY23	Difference Q3 FY23 vs. Q2 FY22*	% Difference*	Jan-23	Feb-23	Mar-23
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Bustang System

Revenue Riders	39,799	52,423	12,624	32%	17,617	16,700	18,106
Load Factor	29%	34%	+5 pts	17%	33%	35%	33%
Revenue		\$ 687,675			\$ 220,238	\$ 220,971	\$ 246,466
Cumulative Avg. Fare		\$ 13.12			\$ 12.50	\$ 13.23	\$ 13.61
Farebox Recovery Ratio		38%			35%	39%	39%

South Line

Revenue Riders	5,876	9,241	3,365	57%	2,891	2,888	3,462
Load Factor	13%	16%	+3 pts	21%	15%	16%	17%
Revenue		\$ 82,600			\$ 25,451	\$ 26,609	\$ 30,540
Cumulative Avg. Fare		\$ 8.94			\$ 8.80	\$ 9.21	\$ 8.82
Farebox Recovery Ratio		17%			15%	18%	18%

North Line

Revenue Riders	8,155	13,769	5,614	69%	4,506	4,253	5,010
Load Factor	18%	24%	+6 pts	30%	23%	24%	25%
Revenue		\$ 116,899			\$ 35,157	\$ 37,413	\$ 44,329
Cumulative Avg. Fare		\$ 8.49			\$ 7.80	\$ 8.80	\$ 8.85
Farebox Recovery Ratio		30%			26%	31%	33%

West Line

Revenue Riders	25,541	28,873	3,332	13%	10,040	9,401	9,432
Load Factor	69%	79%	+10 pts	15%	80%	83%	75%
Revenue		\$ 483,784			\$ 158,463	\$ 155,573	\$ 169,748
Cumulative Avg. Fare		\$ 16.76			\$ 15.78	\$ 16.55	\$ 18.00
Farebox Recovery Ratio		54%			50%	55%	55%

DTC

Revenue Riders	227	540	313	138%	180	158	202
Load Factor	2%	8%	+6 pts	379%	8%	8%	9%
Revenue		\$ 4,391			\$ 1,166	\$ 1,376	\$ 1,850
Cumulative Avg. Fare		\$ 8.13			\$ 6.48	\$ 8.71	\$ 9.16
Farebox Recovery Ratio		9%			7%	10%	12%

*Financial information for Q3 FY2022 is unavailable at this time. As a result, YOY financial comparisons could not be completed.

Bustang: Quarterly Safety/Collisions

During the quarter, Bustang was involved in two preventable and two non-preventable collisions. None of the preventable or non-preventable collisions resulted in reported injuries to operators, passengers, or members of the traveling public. This puts the Bustang system at a preventable collision rate of 0.57 per 100,000 operating miles for the second quarter, which is within the target goal of 1 per 100,000 operating miles. Staff were impressed by service operators' ability to completely avoid preventable collisions on the West Line despite the quarter's challenging weather conditions.

Date	Bus #	Line	Location	Comment	Preventable?
1/5/2023	38015	North Line	Loveland	MCO misjudged a turn through a roundabout and made contact with the center curb, damaging the rear tag axle. No injuries reported.	Yes
1/17/2023	38010	South Line	Denver Union Station bus concourse	MCO sideswiped RTD bus while turning in the underground bus loop, resulting in minor damage to Bustang coach. No injuries reported.	Yes

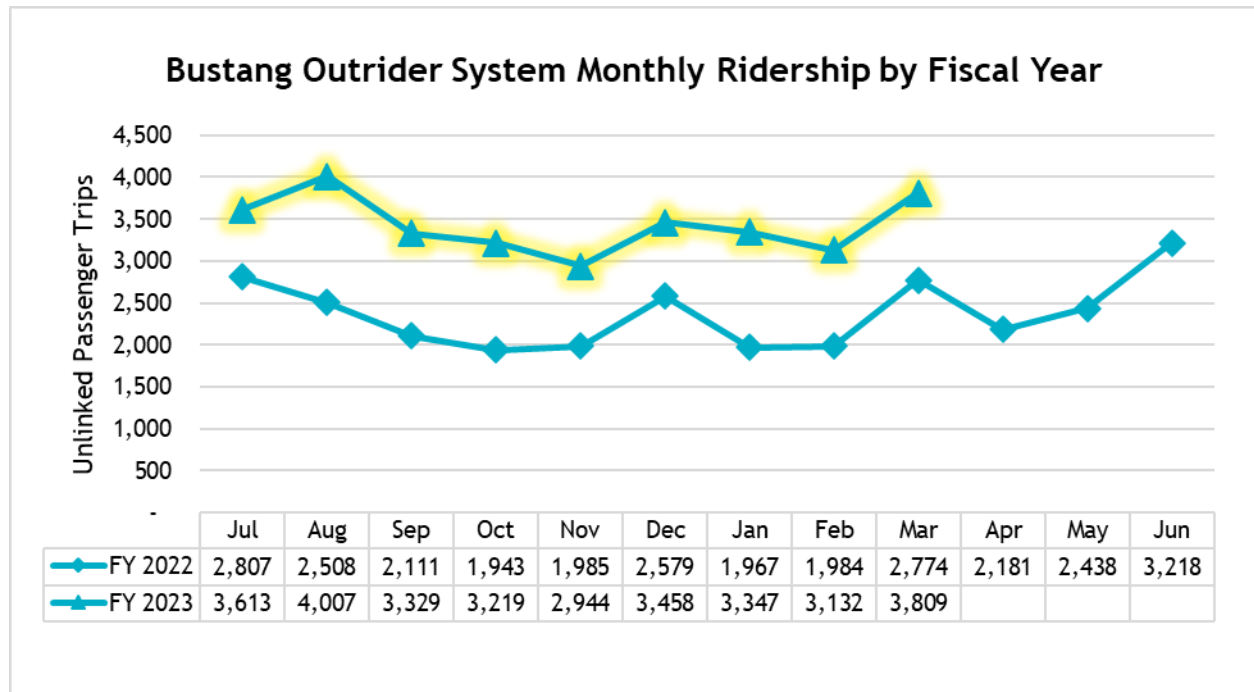
1/22/2023	38021	Snowstang	Breckenridge	MCO rear ended by OV while deadheading to layover location, resulting in damage to rear bumper. No injuries reported.	No
3/29/2023	38003	South Line	Lincoln St & 10th Ave, Denver	OV misjudged clearance and merged into MCO's vehicle while attempting to turn across bus-only lane. OV cited by DPD. No injuries reported.	No

Bustang: Seasonal Services

The bulk of the 2022-23 Snowstang operating season fell within Q3 FY2023, offering reserved-seat, round trip service from Metro Denver to some of Colorado's best ski resorts. Snowstang saw 6,234 unlinked passenger trips during the quarter, a 75 percent increase from Q3 FY2022's total of 3,579 passenger boardings. The service has received positive feedback from both customers and partner resorts since this season's launch. Snowstang's 2022-23 season concluded on May 7.

Outrider

Outrider continues to experience year-over-year ridership growth as well, recording 10,288 unlinked passenger trips over the course of Q3 FY2023. This growth represents a 53% year-over-year increase. Notably, Q3 FY2023 saw the launch of the Trinidad-Pueblo route, offering Southern Colorado residents two round trips Monday through Friday between the cities. Additionally, Bus Operations staff continue to meet regularly with SRDA staff to support and improve their operations and vehicle maintenance program.



Pegasus

Pegasus ridership grew strongly in Q3 FY2023, most likely due to seasonal mountain tourism. Overall customer feedback remains positive, although passengers have noted disappointment in not being able to travel with “carry-on” or full-size luggage. To address these concerns, Bus Operations staff are in negotiations with the vehicle vendor to add internal luggage racks for airline carry-on sized bags, which will require the removal of two passenger seats.

