

**Colorado Transportation Commission**  
**Schedule & Agenda**  
 November 15-16, 2023

**Budget Deep Dive for Commissioners**

Wednesday, November 15, 2023

10:00 a.m. - 11:30 a.m.

**Commission Lunch with Front Range Passenger Rail Board**

Wednesday, November 15, 2023

11:30 a.m. - 12:30 pm

**Transportation Commission Workshops**

Wednesday, November 15, 2023

Time	Topic	Speaker
12:30 pm	Budget Workshop <ul style="list-style-type: none"> <li>• FY 2024-25 Proposed Budget Allocation Plan (Decision)</li> <li>• Request for TC Contingency Funding for CO 17 culvert failures</li> </ul>	Jeff Sudmeier and Bethany Nicholas
1 p.m.	Overview of How CDOT Maintains our System in a State of Good Repair (Informational)	Shoshana Lew, Keith Stefanik, and John Lorme
1:30 p.m.	BTE 10-year plan Financing Workshop (Informational)	Patrick Holinda and Katie Carlson
2 p.m.	HB 23-1101 TPR Study (Informational)	Herman Stockinger and Jamie Grim
3 p.m.	Fuels Impact Draft FY24 & FY25 Budgets (Informational)	Darius Pakbaz and Jeff Sudmeier
3:15 p.m.	CO 6 and Frontage Rd Devolution, Glenwood Springs (Decision)	Jason Smith
3:30 p.m.	Fee Based ROW Access - ITS Fiber Program (Informational)	Allie Axley
4:00 p.m.	Mobility Committee - OIM Updates (Informational)	Kay Kelly
4:30 p.m.	Adjournment	

**Commission Reception with MOVE Colorado**

Wednesday, November 15, 2023

5 p.m. - 7 pm

Edgewater Beer Garden - 2508 Gray Street, Edgewater, CO 80214

## Transportation Commission Meeting

Thursday, November 16, 2023

Time	Topic	Speaker
8 a.m.	Commissioner Breakfast	Various
9 a.m.	Call to Order, Roll Call	Herman Stockinger
9:15 a.m.	Public Comments	Various
9:25 a.m.	Comments of the Chair and Individual Commissioners	Commissioners
9:50 a.m.	Executive Director's Management Report	Shoshana Lew
9:55 a.m.	Chief Engineer's Report	Keith Stefanik
10 a.m.	CTIO Director's Report	Piper Darlington
10:05 a.m.	FHWA Division Administrator Report	John Cater
10:10 a.m.	STAC Report	Vincent Rogalski
10:15 a.m.	Act on Consent Agenda:  Proposed Resolution #1: Approve the Regular Meeting Minutes of October 18, 2023  Proposed Resolution #2: IGA Approval >\$750,000  Proposed Resolution #3: Devolution: CO 6K and Frontage Rd, Glenwood Springs  Proposed Resolution #4: Update to Disposal: Parcel 13-EX, US 40, Steamboat Springs	Herman Stockinger  Lauren Cabot  Jason Smith  Jason Smith
10:20 a.m.	Discuss and Act on Proposed Resolution #5: 5 <sup>th</sup> Budget Supplement of FY 2023-2024	Jeff Sudmeier & Bethany Nicholas
10:25 a.m.	Discuss and Act on Proposed Resolution #6: FY 2024-25 Proposed Budget Allocation Plan	Jeff Sudmeier & Bethany Nicholas
10:30 a.m.	Discuss and Act on Proposed Resolution #7: Crystal Valley Interchange 1601 Approval	Nyssa Beach
10:35	Recognition	None
10:40 a.m.	Other Matters	None
10:40 a.m.	Adjournment	None

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting.

Estimated Start Time: 10:45 a.m.

## Bridge and Tunnel Enterprise Board of Directors Meeting

Thursday, November 16, 2023

Time	Topic	Speaker
10:45 a.m.	Call to Order and Roll Call	Herman Stockinger
10:45 a.m.	Public Comments	Various
10:45 a.m.	Act on Consent Agenda <ul style="list-style-type: none"><li>Proposed Resolution #BTE1: to Approve the Regular Meeting Minutes of October 18, 2023</li></ul>	Herman Stockinger
10:50 a.m.	Discuss and Act on Proposed Resolution #BTE2: 3rd BTE Budget Supplement of FY 2023-2024	Jeff Sudmeier
10:55 a.m.	Discuss and Act on Proposed Resolution #BTE3: Draft FY2025 BTE Budget Allocation Plan	Jeff Sudmeier
11 a.m.	Discuss and Act on Proposed Resolution #BTE4: BTE FY2024 USDOT Bridge Investment Program Discretionary Grant Funding Commitment	Jeff Sudmeier
11:05 a.m.	BTE Bylaws and Articles of Organization Workshop (Informational)	Patrick Holinda
11:35 a.m.	Adjournment	None

The Fuels Impact Enterprise Board of Directors meeting will begin immediately following the adjournment of the Bridge and Tunnel Board of Directors meeting.

Estimated Start Time: 11:35 a.m.

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## Fuels Impact Enterprise Board of Directors Meeting

Thursday, November 16, 2023

Time	Topic	Speaker
11:35 a.m.	Call to Order and Roll Call	Herman Stockinger
	Public Comments	Various
	Act on Consent Agenda <ul style="list-style-type: none"><li>Proposed Resolution #FIE1: to Approve the Regular Meeting Minutes of October 18, 2023</li></ul>	Herman Stockinger
11:40 a.m.	Discuss and Act on Proposed Resolution #FIE2: Fuels Impact Enterprise Board Bylaws and Articles	Craig Hurst and Darius Pakbaz
11:45 a.m.	Adjournment	None

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## Information Only

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- November 2023 TC Grants Memo (Hannah Reed)
- BTE Quarterly Report Q1FY2024 (Patrick Holinda)

MEMORANDUM

**TO:** THE TRANSPORTATION COMMISSION  
**FROM:** JEFF SUDMEIER, CHIEF FINANCIAL OFFICER  
BETHANY NICHOLAS, BUDGET DIRECTOR  
**DATE:** NOVEMBER 15, 2023  
**SUBJECT:** PROPOSED FY 2024-25 ANNUAL BUDGET

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**Purpose**

To review and approve the Proposed FY 2024-25 Annual Budget Allocation Plan.

**Action**

The Division of Accounting and Finance (DAF) is requesting Transportation Commission (TC) review and approval of the Proposed FY 2024-25 Annual Budget Allocation Plan. The TC will be asked to adopt the final budget at the meeting in March 2024 after the plan is updated based on the December 2023 revenue forecast.

**Proposed FY 2024-25 Annual Budget Allocation Plan**

The Proposed FY 2024-25 Annual Budget Allocation Plan is available on the Department's website: <https://www.codot.gov/business/budget/cdot-budget>. In addition to the Budget Narrative, the following Appendices to the FY 2024-25 Budget are now available:

- Appendix A: FY 2024-25 Revenue Allocation Plan
- Appendix B: FY 2024-25 Spending Plan
- Appendix C: List of Open Projects and Unexpended Project Balances
- Appendix D: List of Planned Projects
- Appendix E: Estimated Construction Budget
- Appendix F: CE and Indirect Allocations
- Appendix G: CDOT Personnel Report

The Proposed FY 2024-25 Revenue Allocation Plan (see Attachment B) totals \$2,013.8 million (including the enterprises) and allocates:

- \$759.9 M to capital construction programs
- \$494.3 M to maintenance and operations programs
- \$358.9 M to suballocated programs
- \$60.0 M to multimodal services and electrification

The FY 2024-25 Spending Plan, which estimates operating and capital program expenditures during the fiscal year using new revenue and cash balances rolled forward from previous fiscal years, reflects \$2,471.2 million in total spending for CDOT and the enterprises. For CDOT specifically, this includes \$1,235.0 million for capital construction and \$396.8 million for maintenance and operations.

**Changes to the Proposed Budget Since October 2022**

Since the TC reviewed the Proposed FY 2024-25 Annual Budget in October, staff updated the Administration line to account for increases to statewide common policies that were included in CDOT's legislative request. After the Governor's Budget Request was submitted to the legislature on



November 1 (see below for more information), the Administration line (line 67) was increased by \$3.6 million to a current allocation of \$48.9 million. To accommodate this increase, the allocation in the Commission Reserve Funds line (Line 73) was reduced by \$3.6 million to \$3.1 million. This amount is available for further increases to statewide common policies, decision items, or other balancing adjustments that need to be made during the budget development process.

### **Governor's November 1 Budget Submission**

As mentioned above, the Governor's Budget Request was submitted to the legislature on November 1, 2023. The final request for the Administration line is \$48.9 million, which is \$4.4 million, or 9.9%, more than the initial FY 2023-24 budget that was approved by the TC in March 2023. This increase is attributable to statewide common policies, including increases to salaries and benefits for all state employees per the State's partnership agreement with CO Wins, and other statewide requests.

More detail on the Governor's Budget Request including proposals relevant to CDOT can be found on the Office of State Planning and Budgeting website: <https://www.colorado.gov/governor/Office-State-Planning-Budgeting>. These items are anticipated to be addressed during the 2023 legislative session and the Department will provide updates as needed.

### **Potential Additional Changes to the FY 2024-25 Budget Allocation Plan**

The following outstanding items could result in further changes to the FY 2024-25 Annual Budget Allocation Plan:

- **Decision Items:** The TC will have an opportunity to review any potential Decision Item requests during the February 2024 Budget Workshop, prior to the March adoption of the Final FY 2024-25 Annual Budget Allocation Plan.
- **Administration (Line 67):** Legislative and OSPB actions during the budget development cycle may require further changes in Administration spending for CDOT. The Administration number will be updated throughout the fall and winter.
- **Maintenance Reserve (Line 36) and Contingency Funds (Line 73):** After final adjustments for common policy, etc., and consideration of current balances in the TC Contingency and Maintenance Reserve, the Commission may also be asked to consider options for the allocation of any residual flexible HUTF funding or flexible federal funding, including amounts currently allocated to the TC Contingency and Maintenance Reserve, to other programs including the 10-Year Plan, Maintenance Program Areas, or other asset management programs.

### **Options and Recommendation**

1. Approve the Proposed FY 2024-25 Annual Budget Allocation Plan (staff recommendation).
2. Direct staff to make changes to the Proposed FY 2024-25 Annual Budget Allocation Plan and approve in advance of the December 15, 2023 submission deadline to the legislature and OSPB.

### **Next Steps**

- TC adoption of the Proposed FY 2024-25 Annual Budget Allocation Plan for submission to the OSPB on or before December 15, 2023.
- In February 2024, the TC will be asked to review any Decision Items that are \$1 million or more, additional changes related to common policy updates, changes resulting from updated revenue forecasts, or any other changes.
- In March 2024, the TC will be asked to review and adopt the Final FY 2024-25 Annual Budget Allocation Plan.

### **Appendices and Attachments**

Attachment A - FY 2024-25 Revenue Allocation Plan

Attachment B - Presentation



**FY 2024-25 Revenue Allocation Plan**

Line	Budget Category / Program	A. Estimated Rollforward from FY 2023-24*	B. FY 2023-24 Final Allocation Plan	C. FY 2024-25 Proposed Allocation Plan	Directed By	Funding Source
<b>1</b>	<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>					
<b>2</b>	<b>Capital Construction</b>	<b>\$0.0 M</b>	<b>\$631.7 M</b>	<b>\$647.2 M</b>		
<b>3</b>	<b>Asset Management</b>	<b>\$0.0 M</b>	<b>\$399.3 M</b>	<b>\$403.2 M</b>		
4	Surface Treatment	\$0.0 M	\$225.6 M	\$229.0 M	TC	FHWA / SH / SB 09-108
5	Structures	\$0.0 M	\$63.3 M	\$63.4 M	TC	FHWA / SH / SB 09-108
6	System Operations	\$0.0 M	\$26.3 M	\$26.3 M	TC	FHWA / SH
7	Geohazards Mitigation	\$0.0 M	\$9.7 M	\$9.7 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$0.0 M	\$6.5 M	\$6.5 M	TC	FHWA / SH
9	Emergency Relief	\$0.0 M	\$0.0 M	\$0.0 M	FR	FHWA
10	10 Year Plan Projects - Capital AM	\$0.0 M	\$68.0 M	\$68.4 M	TC / FR	FHWA
<b>11</b>	<b>Safety</b>	<b>\$0.0 M</b>	<b>\$115.6 M</b>	<b>\$132.0 M</b>		
12	Highway Safety Improvement Program	\$0.0 M	\$42.9 M	\$43.1 M	FR	FHWA / SH
13	Railway-Highway Crossings Program	\$0.0 M	\$3.8 M	\$3.8 M	FR	FHWA / SH
14	Hot Spots	\$0.0 M	\$2.7 M	\$2.7 M	TC	FHWA / SH
15	FASTER Safety	\$0.0 M	\$59.0 M	\$75.2 M	TC	SB 09-108
16	ADA Compliance	\$0.0 M	\$7.2 M	\$7.2 M	TC	FHWA / SH
<b>17</b>	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$116.8 M</b>	<b>\$112.0 M</b>		
18	Regional Priority Program	\$0.0 M	\$50.0 M	\$50.0 M	TC	FHWA / SH
19	10 Year Plan Projects - Capital Mobility	\$0.0 M	\$42.9 M	\$38.2 M	SL	FHWA / SB 17-267 / SB 21-260
20	Freight Programs	\$0.0 M	\$23.9 M	\$23.8 M	FR	FHWA / SH / SL
<b>21</b>	<b>Maintenance and Operations</b>	<b>\$0.0 M</b>	<b>\$394.5 M</b>	<b>\$391.7 M</b>		
<b>22</b>	<b>Asset Management</b>	<b>\$0.0 M</b>	<b>\$358.1 M</b>	<b>\$355.3 M</b>		
23	Maintenance Program Areas	\$0.0 M	\$284.9 M	\$284.9 M		
24	Roadway Surface	\$0.0 M	\$40.9 M	\$40.9 M	TC	SH
25	Roadside Facilities	\$0.0 M	\$24.2 M	\$24.2 M	TC	SH
26	Roadside Appearance	\$0.0 M	\$9.3 M	\$9.3 M	TC	SH
27	Structure Maintenance	\$0.0 M	\$5.6 M	\$5.6 M	TC	SH
28	Tunnel Activities	\$0.0 M	\$5.0 M	\$5.0 M	TC	SH
29	Snow and Ice Control	\$0.0 M	\$84.8 M	\$84.8 M	TC	SH
30	Traffic Services	\$0.0 M	\$75.7 M	\$75.7 M	TC	SH
31	Materials, Equipment, and Buildings	\$0.0 M	\$21.1 M	\$21.1 M	TC	SH
32	Planning and Scheduling	\$0.0 M	\$18.1 M	\$18.1 M	TC	SH
33	Express Lane Corridor Maintenance and Operations	\$0.0 M	\$12.1 M	\$12.7 M	TC	SH
34	Property	\$0.0 M	\$25.6 M	\$22.7 M	TC	SH
35	Capital Equipment	\$0.0 M	\$23.5 M	\$23.0 M	TC	SH
36	Maintenance Reserve Fund	\$0.0 M	\$12.0 M	\$12.0 M	TC	SH
<b>37</b>	<b>Safety</b>	<b>\$0.0 M</b>	<b>\$12.2 M</b>	<b>\$12.2 M</b>		
38	Strategic Safety Program	\$0.0 M	\$12.2 M	\$12.2 M	TC	FHWA / SH
<b>39</b>	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$24.3 M</b>	<b>\$24.3 M</b>		
40	Real-Time Traffic Operations	\$0.0 M	\$14.3 M	\$14.3 M	TC	SH
41	ITS Investments	\$0.0 M	\$10.0 M	\$10.0 M	TC	FHWA / SH
<b>42</b>	<b>Multimodal Services &amp; Electrification</b>	<b>\$0.0 M</b>	<b>\$45.7 M</b>	<b>\$49.6 M</b>		
<b>43</b>	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$45.7 M</b>	<b>\$49.6 M</b>		
44	Innovative Mobility Programs	\$0.0 M	\$9.0 M	\$9.0 M	TC	FHWA / SH
45	National Electric Vehicle Program	\$0.0 M	\$14.5 M	\$14.5 M	FR	FHWA
46	10 Year Plan Projects - Multimodal	\$0.0 M	\$12.3 M	\$12.1 M	TC	FHWA / SB 17-267, SB 21-260
47	Rail Program	\$0.0 M	\$0.0 M	\$0.0 M	SL	SL
48	Bustang	\$0.0 M	\$9.8 M	\$14.0 M	TC	SB 09-108 / Fare Rev. / SB 21-260
<b>49</b>	<b>Suballocated Programs</b>	<b>\$0.0 M</b>	<b>\$310.0 M</b>	<b>\$335.5 M</b>		
<b>50</b>	<b>Aeronautics</b>	<b>\$0.0 M</b>	<b>\$64.2 M</b>	<b>\$67.6 M</b>		
51	Aviation System Program	\$0.0 M	\$64.2 M	\$67.6 M	AB	SA
<b>52</b>	<b>Highway</b>	<b>\$0.0 M</b>	<b>\$151.9 M</b>	<b>\$154.6 M</b>		
53	STBG-Urban (STP-Metro)	\$0.0 M	\$66.0 M	\$67.4 M	FR	FHWA / LOC
54	Congestion Mitigation and Air Quality	\$0.0 M	\$52.8 M	\$53.8 M	FR	FHWA / LOC
55	Metropolitan Planning	\$0.0 M	\$10.7 M	\$10.9 M	FR	FHWA / FTA / LOC
56	Off-System Bridge Program	\$0.0 M	\$22.4 M	\$22.5 M	TC / FR	FHWA / SH / LOC
<b>57</b>	<b>Transit and Multimodal</b>	<b>\$0.0 M</b>	<b>\$94.0 M</b>	<b>\$113.3 M</b>		
58	Recreational Trails	\$0.0 M	\$1.6 M	\$1.6 M	FR	FHWA
59	Safe Routes to School	\$0.0 M	\$3.1 M	\$3.1 M	TC	FHWA / LOC
60	Transportation Alternatives Program	\$0.0 M	\$21.6 M	\$22.8 M	FR	FHWA / LOC
61	Transit Grant Programs	\$0.0 M	\$51.7 M	\$53.2 M	FR / SL / TC	FTA / LOC / SB 09-108
62	Multimodal Options Program - Local	\$0.0 M	\$6.3 M	\$15.7 M	SL	SB 21-260
63	Carbon Reduction Program - Local	\$0.0 M	\$9.6 M	\$9.8 M	FR	FHWA / LOC
64	Revitalizing Main Streets Program	\$0.0 M	\$0.0 M	\$7.0 M	SL / TC	SB 21-260
<b>65</b>	<b>Administration &amp; Agency Operations</b>	<b>\$0.0 M</b>	<b>\$112.1 M</b>	<b>\$117.1 M</b>		

66	Agency Operations	\$0.0 M	\$66.2 M	\$66.6 M	TC / AB	FHWA / SH / SA / SB 09-108
67	Administration	\$0.0 M	\$44.5 M	\$48.9 M	SL	SH
68	Project Initiatives	\$0.0 M	\$1.4 M	\$1.7 M	TC	SH
69	<b>Debt Service</b>	<b>\$130.6 M</b>	<b>\$28.4 M</b>	<b>\$134.5 M</b>		
70	Debt Service	\$130.6 M	\$28.4 M	\$134.5 M	DS	SH
71	<b>Contingency Reserve</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>	<b>\$3.1 M</b>		
72	Contingency Fund	\$0.0 M	\$0.0 M	\$0.0 M	TC	FHWA / SH
73	Commission Reserve Funds	\$0.0 M	\$0.0 M	\$3.1 M	TC	FHWA / SH
74	<b>Other Programs</b>	<b>\$0.0 M</b>	<b>\$34.3 M</b>	<b>\$34.9 M</b>		
75	Safety Education	\$0.0 M	\$15.8 M	\$16.3 M	TC/FR	NHTSA / SSE
76	Planning and Research	\$0.0 M	\$17.4 M	\$17.7 M	FR	FHWA / SH
77	State Infrastructure Bank	\$0.0 M	\$1.1 M	\$0.9 M	TC	SIB
78	<b>TOTAL - CDOT</b>	<b>\$130.6 M</b>	<b>\$1,556.7 M</b>	<b>\$1,713.7 M</b>		

**Key to Acronyms:**

TC = Transportation Commission

FR = Federal

SL = State Legislature

AB = Aeronautics Board

SH = State Highway

SIB = State Infrastructure Bank

LOC = Local

SB = Senate Bill

SA = State Aviation

Line	Budget Category / Program	A. Estimated Rollforward from FY 2023-24*	B. FY 2023-24 Final Allocation Plan	C. FY 2024-25 Proposed Allocation Plan	Directed By	Funding Source
79	<b>COLORADO BRIDGE &amp; TUNNEL ENTERPRISE</b>					
80	Capital Construction	\$0.0 M	\$101.7 M	\$112.7 M		
81	<b>Asset Management-BTE</b>	<b>\$0.0 M</b>	<b>\$101.7 M</b>	<b>\$112.7 M</b>		
82	Bridge Enterprise Projects	\$0.0 M	\$101.7 M	\$112.7 M	BEB	SB 09-108, SB 21-260
83	<b>Maintenance and Operations</b>	<b>\$0.0 M</b>	<b>\$0.8 M</b>	<b>\$0.8 M</b>		
84	<b>Asset Management-BTE.</b>	<b>\$0.0 M</b>	<b>\$0.8 M</b>	<b>\$0.8 M</b>		
85	Maintenance and Preservation	\$0.0 M	\$0.8 M	\$0.8 M	BEB	SB 09-108
86	<b>Administration &amp; Agency Operations</b>	<b>\$0.0 M</b>	<b>\$1.8 M</b>	<b>\$1.8 M</b>		
87	Agency Operations-BTE	\$0.0 M	\$1.8 M	\$1.8 M	BEB	SB 09-108, SB 21-260
88	<b>Debt Service</b>	<b>\$0.0 M</b>	<b>\$48.7 M</b>	<b>\$43.5 M</b>		
89	Debt Service-BTE	\$0.0 M	\$48.7 M	\$43.5 M	BEB	FHWA / SH
90	<b>TOTAL - BRIDGE &amp; TUNNEL ENTERPRISE</b>	<b>\$0.0 M</b>	<b>\$153.0 M</b>	<b>\$158.8 M</b>		

91	<b>COLORADO TRANSPORTATION INVESTMENT OFFICE (CTIO)</b>					
92	<b>Maintenance and Operations-CTIO</b>	<b>\$0.0 M</b>	<b>\$66.2 M</b>	<b>\$101.7 M</b>		
93	Express Lanes Operations	\$0.0 M	\$66.2 M	\$101.7 M	HPTEB	Tolls / Managed Lanes Revenue
94	<b>Administration &amp; Agency Operations-CTIO</b>	<b>\$0.0 M</b>	<b>\$4.1 M</b>	<b>\$4.1 M</b>		
95	Agency Operations-CTIO	\$0.0 M	\$4.1 M	\$4.1 M	HPTEB	Fee for Service
96	<b>Debt Service-CTIO</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>		
97	Debt Service-CTIO	\$0.0 M	\$0.0 M	\$0.0 M	HPTEB	Fee for Service
98	<b>TOTAL - COLORADO TRANSPORTATION INVESTMENT OFFICE (CTIO)</b>	<b>\$0.0 M</b>	<b>\$70.2 M</b>	<b>\$105.7 M</b>		

99	<b>CLEAN TRANSIT ENTERPRISE</b>					
100	Suballocated Programs	\$0.0 M	\$7.7 M	\$8.4 M		
101	<b>Transit and Multimodal</b>	<b>\$0.0 M</b>	<b>\$7.7 M</b>	<b>\$8.4 M</b>		
102	CTE Projects	\$0.0 M	\$7.7 M	\$8.4 M	CTB	SB 21-260
103	<b>Administration &amp; Agency Operations</b>	<b>\$0.0 M</b>	<b>\$1.5 M</b>	<b>\$1.5 M</b>		
104	Agency Operations-CTE	\$0.0 M	\$0.6 M	\$0.6 M	CTB	SB 21-260
105	Contingency Reserve-CTE	\$0.0 M	\$0.9 M	\$0.9 M	CTB	SB 21-260
106	<b>Debt Service</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>		
107	Debt Service-CTE	\$0.0 M	\$0.0 M	\$0.0 M	CTB	SB 21-260
108	<b>TOTAL - CLEAN TRANSIT ENTERPRISE</b>	<b>\$0.0 M</b>	<b>\$9.1 M</b>	<b>\$9.9 M</b>		

109	<b>NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE</b>					
110	Multimodal Services & Electrification	\$0.0 M	\$8.3 M	\$10.4 M		
111	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$8.3 M</b>	<b>\$10.4 M</b>		
112	NAAPME Projects	\$0.0 M	\$8.3 M	\$10.4 M	NAAPMEB	SB 21-260
113	<b>Administration &amp; Agency Operations</b>	<b>\$0.0 M</b>	<b>\$0.2 M</b>	<b>\$0.2 M</b>		
114	Agency Operations-NAAPME	\$0.0 M	\$0.2 M	\$0.2 M	NAAPMEB	SB 21-260
115	Contingency Reserve-NAAPME	\$0.0 M	\$0.0 M	\$0.0 M	NAAPMEB	SB 21-260
116	<b>Debt Service</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>	<b>\$0.0 M</b>		
117	Debt Service-NAAPME	\$0.0 M	\$0.0 M	\$0.0 M	NAAPMEB	SB 21-260
118	<b>TOTAL - NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE</b>	<b>\$0.0 M</b>	<b>\$8.5 M</b>	<b>\$10.6 M</b>		

119 FUELS IMPACT ENTERPRISE						
120	Suballocated Programs	\$0.0 M	\$0.0 M	\$15.0 M		
121	Highway	\$0.0 M	\$0.0 M	\$15.0 M		
122	Fuels Impact Grants	\$0.0 M	\$0.0 M	\$15.0 M		
123	Administration & Agency Operations	\$0.0 M	\$0.0 M	\$0.0 M		
124	Agency Operations-FIE	\$0.0 M	\$0.0 M	\$0.0 M		
125	Contingency Reserve-FIE	\$0.0 M	\$0.0 M	\$0.0 M		
126	Debt Service	\$0.0 M	\$0.0 M	\$0.0 M		
127	Debt Service-FIE	\$0.0 M	\$0.0 M	\$0.0 M		
128	TOTAL - FUELS IMPACT ENTERPRISE	\$0.0 M	\$0.0 M	\$15.0 M		
129	TOTAL - CDOT AND ENTERPRISES	\$130.6 M	\$1,797.5 M	\$2,013.8 M		

\*Roll forward budget is budget from a prior year that hasn't been committed to a project or expended from a cost center prior to the close of the fiscal year. Estimated Roll forward budget will be incorporated prior to finalizing the FY 2025 budget, and updated after the close of FY 2024.





**COLORADO**

Department of Transportation

# FY 2024-25 Budget Workshop: Proposed Annual Budget Allocation Plan





- Proposed FY25 Budget Allocation Plan
  - Final FY25 Sources and Uses of Revenue
  - Narrative and Appendices
  - Revenue Allocation Plan
  - Spending Plan
- CDOT's Legislative Budget
- Additional Adjustments Coming
- Timeline and Next Steps





# WHERE DO



# FUNDS COME FROM?

FY 2024-25

## Federal Programs

\$849.9 million

18.4 cents per gallon paid at the pump

## Highway Users Tax Fund

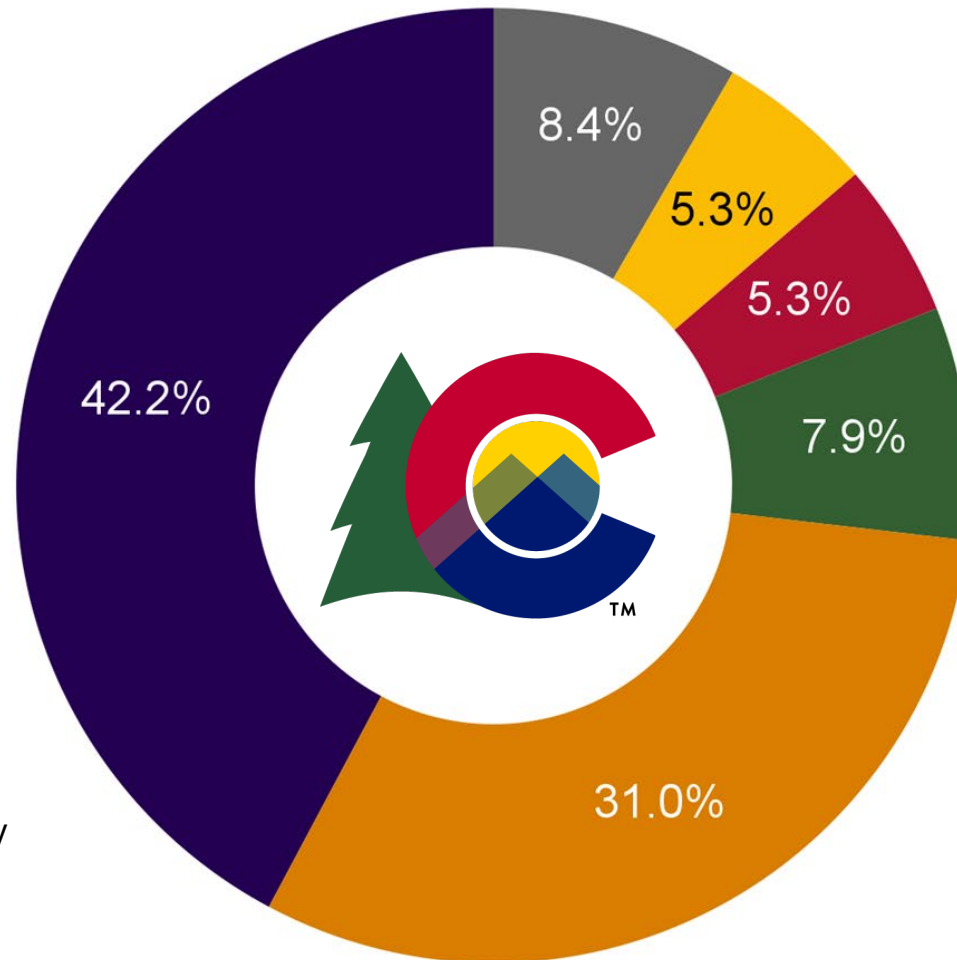
\$623.5 million

Fuel Taxes and Fees, vehicle registrations, traffic penalty revenue, FASTER, Retail Delivery Fee

## Bridge & Tunnel Enterprise

\$158.8 million

FASTER fees, Bridge Impact Fee, Retail Delivery Fees



## Other State Funds

\$168.4 million

Aviation fuel taxes, appropriated special programs, miscellaneous revenue, Clean Transit Enterprise, Nonattainment enterprise, Clean Fuels Enterprise

## Legislative Initiatives

\$107.5 million

General Fund Transfers to the State Highway Fund, Capital Development Committee funds

## Colorado Transportation Investment Office

\$105.7 million

Tolling and managed lane revenue



# HOW ARE



# FUNDS ALLOCATED?

FY 2024-25

## Multimodal Services

\$60.0 million

Innovative Mobility, NEVI, 10-Year Plan Projects (Transit), Rail Commission, Bustang

## Other Programs, Debt Service, Contingency Funding

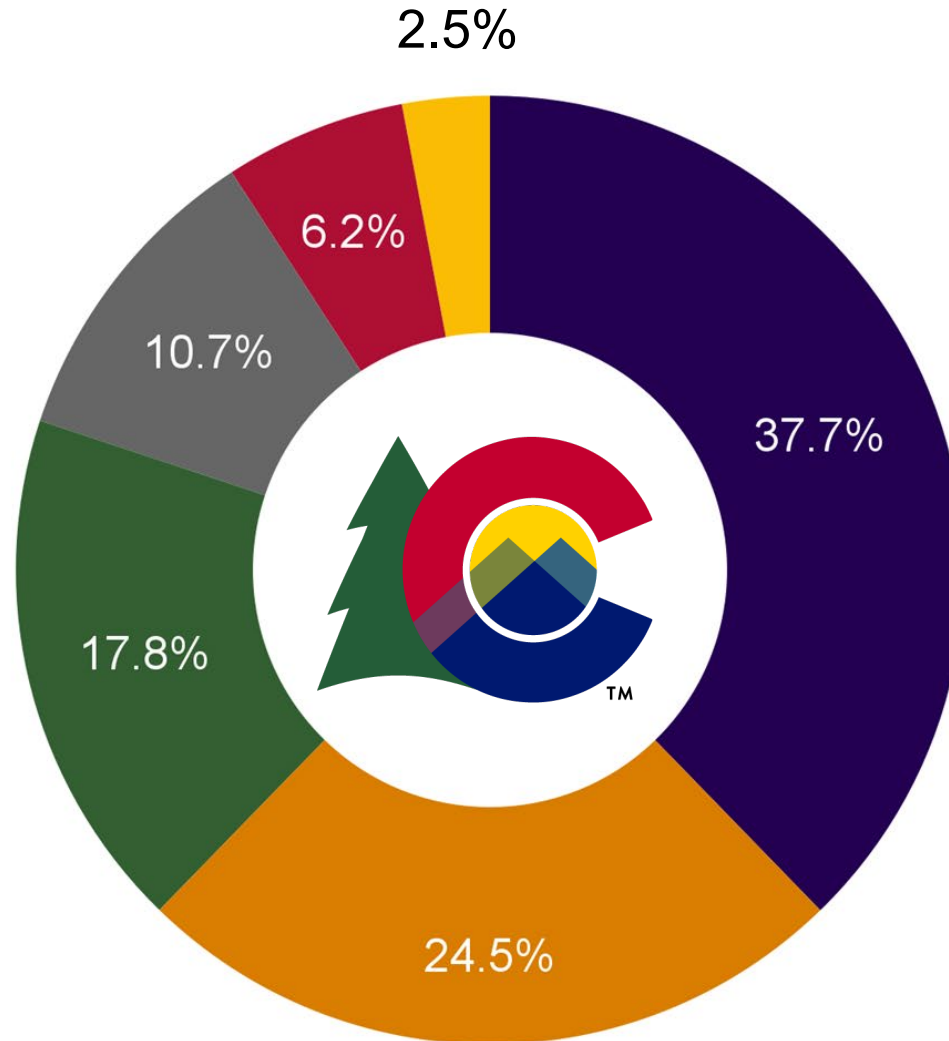
\$216.0 million

State safety education, planning and research, State Infrastructure Bank, Debt Service, Contingency and Reserve funds

## Administration and Agency Operations

\$124.7 million

Appropriated Administration budget, agency operations and project initiatives



## Capital Construction

\$759.9 million

Asset Management, Safety Programs, 10-Year Plan projects, Regional Priority Program

## Maintenance and Operations

\$494.3 million

Maintenance Program Areas, Strategic Safety Program, Real-time Traffic Operations, ITS Investments

## Suballocated Programs

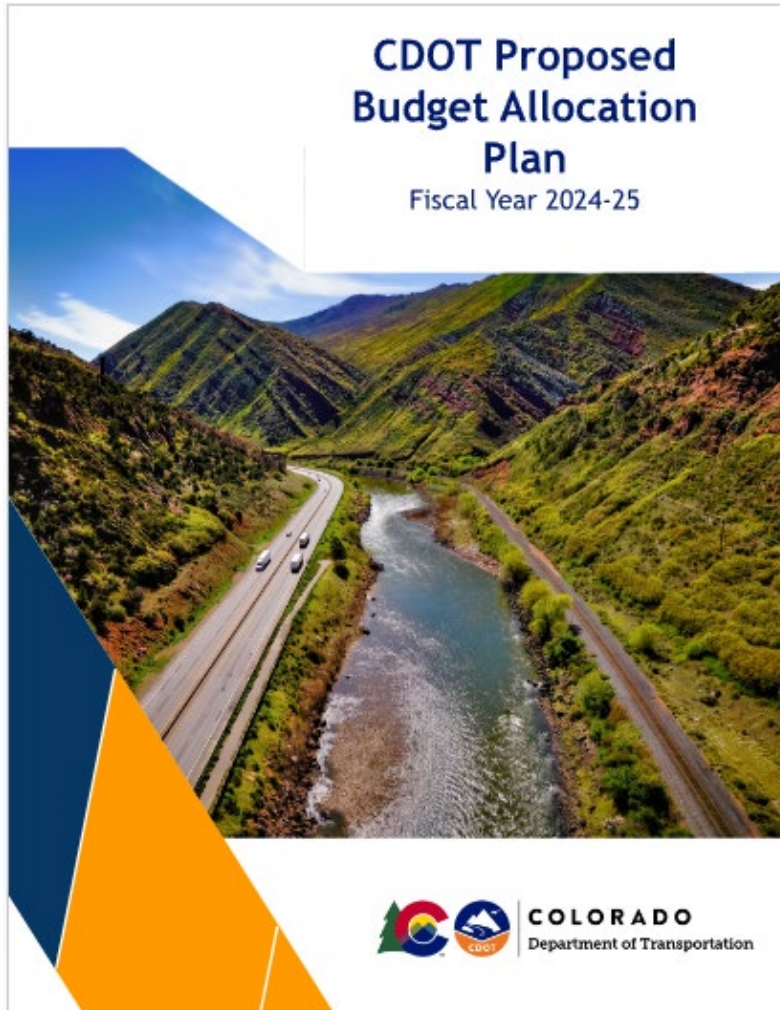
\$358.9 million

Aeronautics funding, sub allocated federal programs, Revitalizing Main Streets





# Narrative and Other Budget Appendices



## Review the Narrative and Appendices on CDOT's Website:

<https://www.codot.gov/business/budget/cdot-budget>

- Appendix A - Revenue Allocation Plan
- Appendix B - Spending Plan
- Appendix C - Open Projects and Unexpended Project Balances
- Appendix D - Planned Projects
- Appendix E - Total Construction Budget
- Appendix F - Project Indirect Costs and Construction Engineering
- Appendix G - CDOT Personnel Report



# FY 2024-25 Revenue Allocation Plan

## (Allocation Plan Appendix A)

FY 2024-25 Revenue Allocation Plan

Line	Budget Category / Program	A. Estimated Rollforward from FY 2023-24*	B. FY 2023-24 Final Allocation Plan	C. FY 2024-25 Proposed Allocation Plan	Directed By	Funding Source
<b>1</b>	<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>					
2	Capital Construction	\$0.0 M	\$631.7 M	\$647.2 M		
3	Asset Management	\$0.0 M	\$999.3 M	\$403.2 M		
4	Surface Treatment	\$0.0 M	\$25.6 M	\$29.0 M	TC	FHWA / SH / SB 09 108
5	Structures	\$0.0 M	\$63.3 M	\$63.4 M	TC	FHWA / SH / SB 09 108
6	System Operations	\$0.0 M	\$26.3 M	\$26.3 M	TC	FHWA / SH
7	Geohazards Mitigation	\$0.0 M	\$9.7 M	\$9.7 M	TC	SB 09 108
8	Permanent Water Quality Mitigation	\$0.0 M	\$6.5 M	\$6.5 M	TC	FHWA / SH
9	Emergency Relief	\$0.0 M	\$0.0 M	\$0.0 M	FR	FHWA
10	10 Year Plan Projects Capital AM	\$0.0 M	\$68.0 M	\$68.4 M	TC / FR	FHWA
11	<b>Safety</b>	<b>\$0.0 M</b>	<b>\$115.6 M</b>	<b>\$132.0 M</b>		
12	Highway Safety Improvement Program	\$0.0 M	\$42.9 M	\$43.1 M	FR	FHWA / SH
13	Railway Highway Crossings Program	\$0.0 M	\$3.8 M	\$3.8 M	FR	FHWA / SH
14	Hot Spots	\$0.0 M	\$2.7 M	\$2.7 M	TC	FHWA / SH
15	FASTER Safety	\$0.0 M	\$59.0 M	\$75.2 M	TC	SB 09 108
16	ADA Compliance	\$0.0 M	\$7.2 M	\$7.2 M	TC	FHWA / SH
17	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$116.8 M</b>	<b>\$112.0 M</b>		
18	Regional Priority Program	\$0.0 M	\$50.0 M	\$50.0 M	TC	FHWA / SH
19	10 Year Plan Projects Capital Mobility	\$0.0 M	\$42.9 M	\$38.2 M	SL	FHWA / SB 17 267 / SB 21 260
20	Freight Programs	\$0.0 M	\$23.9 M	\$23.8 M	FR	FHWA / SH / SL
21	<b>Maintenance and Operations</b>	<b>\$0.0 M</b>	<b>\$394.5 M</b>	<b>\$391.7 M</b>		
22	<b>Asset Management</b>	<b>\$0.0 M</b>	<b>\$358.1 M</b>	<b>\$355.3 M</b>		
23	Maintenance Program Areas	\$0.0 M	\$284.9 M	\$284.9 M		
24	Roadway Surface	\$0.0 M	\$40.9 M	\$40.9 M	TC	SH
25	Roadside Facilities	\$0.0 M	\$24.2 M	\$24.2 M	TC	SH
26	Roadside Appearance	\$0.0 M	\$9.3 M	\$9.3 M	TC	SH
27	Structure Maintenance	\$0.0 M	\$5.6 M	\$5.6 M	TC	SH
28	Tunnel Activities	\$0.0 M	\$5.0 M	\$5.0 M	TC	SH
29	Snow and Ice Control	\$0.0 M	\$84.8 M	\$84.8 M	TC	SH
30	Traffic Services	\$0.0 M	\$75.7 M	\$75.7 M	TC	SH
31	Materials, Equipment, and Buildings	\$0.0 M	\$21.1 M	\$21.1 M	TC	SH
32	Planning and Scheduling	\$0.0 M	\$18.1 M	\$18.1 M	TC	SH
33	Express Lane Corridor Maintenance and Operations	\$0.0 M	\$12.1 M	\$12.7 M	TC	SH
34	Property	\$0.0 M	\$25.6 M	\$22.7 M	TC	SH
35	Capital Equipment	\$0.0 M	\$23.5 M	\$23.0 M	TC	SH
36	Maintenance Reserve Fund	\$0.0 M	\$12.0 M	\$12.0 M	TC	SH
37	<b>Safety</b>	<b>\$0.0 M</b>	<b>\$12.2 M</b>	<b>\$12.2 M</b>		
38	Strategic Safety Program	\$0.0 M	\$12.2 M	\$12.2 M	TC	FHWA / SH
39	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$24.3 M</b>	<b>\$24.3 M</b>		
40	Real Time Traffic Operations	\$0.0 M	\$14.3 M	\$14.3 M	TC	SH
41	ITS Investments	\$0.0 M	\$10.0 M	\$10.0 M	TC	FHWA / SH
42	<b>Multimodal Services &amp; Electrification</b>	<b>\$0.0 M</b>	<b>\$45.7 M</b>	<b>\$49.6 M</b>		
43	<b>Mobility</b>	<b>\$0.0 M</b>	<b>\$45.7 M</b>	<b>\$49.6 M</b>		
44	Innovative Mobility Programs	\$0.0 M	\$9.0 M	\$9.0 M	TC	FHWA / SH
45	National Electric Vehicle Program	\$0.0 M	\$14.5 M	\$14.5 M	FR	FHWA
46	10 Year Plan Projects Multimodal	\$0.0 M	\$12.3 M	\$12.1 M	TC	FHWA / SB 17 267, SB 21 260
47	Rail Program	\$0.0 M	\$0.0 M	\$0.0 M	SL	SL
48	Bustang	\$0.0 M	\$9.8 M	\$14.0 M	TC	SB 09 108 / Fare Rev. / SB 21 260
49	<b>Suballocated Programs</b>	<b>\$0.0 M</b>	<b>\$310.0 M</b>	<b>\$335.5 M</b>		
50	<b>Aeronautics</b>	<b>\$0.0 M</b>	<b>\$64.2 M</b>	<b>\$67.6 M</b>		
51	Aviation System Program	\$0.0 M	\$64.2 M	\$67.6 M	AB	SA
52	<b>Highway</b>	<b>\$0.0 M</b>	<b>\$151.9 M</b>	<b>\$154.6 M</b>		
53	STBG Urban (STP Metro)	\$0.0 M	\$66.0 M	\$67.4 M	FR	FHWA / LDC
54	Congestion Mitigation and Air Quality	\$0.0 M	\$52.8 M	\$53.8 M	FR	FHWA / LDC
55	Metropolitan Planning	\$0.0 M	\$10.7 M	\$10.9 M	FR	FHWA / FTA / LDC
56	Off System Bridge Program	\$0.0 M	\$22.4 M	\$22.5 M	TC / FR	FHWA / SH / LDC
57	<b>Transit and Multimodal</b>	<b>\$0.0 M</b>	<b>\$94.0 M</b>	<b>\$113.3 M</b>		
58	Recreational Trails	\$0.0 M	\$1.6 M	\$1.6 M	FR	FHWA
59	Safe Routes to School	\$0.0 M	\$3.1 M	\$3.1 M	TC	FHWA / LDC
60	Transportation Alternatives Program	\$0.0 M	\$21.6 M	\$22.8 M	FR	FHWA / LDC
61	Transit Grant Programs	\$0.0 M	\$51.7 M	\$53.2 M	FR / SL / TC	FTA / LDC / SB 09 108
62	Multimodal Options Program Local	\$0.0 M	\$6.3 M	\$15.7 M	SL	SB 21 260
63	Carbon Reduction Program Local	\$0.0 M	\$9.6 M	\$9.8 M	FR	FHWA / LDC

- Balanced using September 2023 revenue forecast
- Flexible revenue allocated based on FY24 budget amounts adopted by TC in March 2023 (and subsequently amended), with some adjustments to balance
- Inflexible revenue automatically adjusted based on FY25 revenue forecast
- Asset Management and Maintenance programs funded according to the FY25 Asset Management Planning Totals, approved by the TC in November 2019.
- The FY23 Revenue Allocation Plan reflects:
  - \$1,713.7 million for CDOT programs
  - \$300.1 million for transportation enterprises
  - \$2,013.8 million total for FY25



# FY 2024-25 Spending Plan

## (Appendix B)

Department of Transportation - FY 2024-25 Spending Plan			
Last updated November 2023			
Projected Fund Balance and SB267 Trustee Account Balance		\$ 1,609.8M	
Projected FY25 Revenue		\$ 1,713.6M	
<b>TOTAL PROJECTED - CDOT</b>		<b>\$ 3,323.4M</b>	
Line	Budget Category / Program	FY 2024-25 Projected Expenditures	% Spent
<b>1 COLORADO DEPARTMENT OF TRANSPORTATION</b>			
2	Capital Construction	\$ 1235.1M	0.00%
3	Pre-Construction Activities	\$ 158.1M	0.00%
4	Right of Way	\$ 34.0M	0.00%
5	Acquisitions	\$ 21.3M	0.00%
6	Personal Services	\$ .8M	0.00%
7	Professional Services	\$ 2.3M	0.00%
8	Other	\$ 9.6M	0.00%
9	Design and Other Pre-Construction Activities	\$ 124.1M	0.00%
10	Professional Services	\$ 97.3M	0.00%
11	Personal Services	\$ 15.9M	0.00%
12	Other	\$ 11.0M	0.00%
13	Construction Activities	\$ 864.5M	0.00%
14	Contractor Payments	\$ 841.0M	0.00%
15	Professional Services	\$ 16.0M	0.00%
16	Personal Services	\$ 2.2M	0.00%
17	Other	\$ 5.2M	0.00%
18	Other Capital Project Activities	\$ 212.4M	0.00%
19	Indirect Allocations	\$ 113.7M	0.00%
20	Construction Engineering Allocations	\$ 98.7M	0.00%
21	Maintenance and Operations	\$ 396.8M	0.00%
22	Personal Services	\$ 195.4M	0.00%
23	Operating	\$ 147.6M	0.00%
24	Capital	\$ .0M	0.00%
25	Property	\$ 28.8M	0.00%
26	Road Equipment	\$ 25.0M	0.00%
27	Multimodal Services, Non Construction	\$ 20.8M	0.00%
28	Personal Services	\$ 1.8M	0.00%
29	Operating	\$ 18.6M	0.00%
30	Capital	\$ .4M	0.00%
31	Suballocated Programs	\$ 202.2M	0.00%
32	Grant Payments to Airports	\$ 31.4M	0.00%
33	Grant Payments to Local Entities	\$ 170.8M	0.00%
34	Administration & Agency Operations	\$ 113.5M	0.00%
35	Personal Services	\$ 47.7M	0.00%
36	Operating	\$ 58.5M	0.00%
37	Capital	\$ 7.3M	0.00%
38	Debt Service	\$ 150.0M	0.00%
39	Debt Service	\$ 150.0M	0.00%
40	Other Programs, Non Construction	\$ 37.4M	0.00%
41	Personal Services	\$ 10.0M	0.00%
42	Operating	\$ 16.1M	0.00%
43	Capital	\$ .0M	0.00%
44	Studies (Non-construction Activities) (DTD)	\$ 11.3M	0.00%
<b>45</b>	<b>TOTAL - CDOT</b>	<b>\$ 2,155.7M</b>	<b>0.00%</b>

### Total estimated expenditures in FY 2024-25, \$2,471.2 M:

- CDOT: \$2,155.7 million
- BTE: \$189.1 million
- CTIO: \$105.7 million
- Clean Transit: \$9.9 million
- Nonattainment Enterprise: \$10.8 million
- Fuels Impact Enterprise: TBD



# CDOT Legislative Budget

Each year, CDOT submits budget requests to the legislature for:

- changes driven by statewide common policy decisions
- funding from the Capital Development Committee
- any changes to appropriated funding levels

The table to the right outlines statewide common policies that impact CDOT's budget for FY25.

**Of the total increase, \$4.4 M impacts the Administration line (line 67)**

	Incremental Change from Prior Year
<b>Compensation Common Policies</b>	
Salary and benefits increases for CDOT positions funded in the Administration line only	\$1,970,952
PERA Direct Distribution	\$4,604,498
<b>Statewide Operating Common Policies</b>	
Department of Personnel & Administration Services (e.g. Payments to Risk Management, and Workers' Compensation, Capital Complex Leased Space, etc.)	\$4,191,128
Office of Information Technology Services	-\$1,236,854
Department of Law Services	\$473,501
<b>Statewide Decision Items</b>	
CDOT's share of statewide decision items submitted by the Department of Personnel & Administration	\$788,770
<b>Total Impact to CDOT from Common Policies</b>	<b>\$10,791,995</b>



# CDOT Legislative Budget

CDOT submitted a request to the CDC for \$6.4 million in state capital construction funds for Vail Pass Avalanche Mitigation:

- Installation of snow supporting structures in the starting zone of the Vail Pass Narrows avalanche. Structures built in the potential release zone of an avalanche hold the snowpack in place and largely mitigate the possibility of natural avalanches occurring, eliminating the need for a controlled release.

CDOT's request for the MMOF and Clean Transit Enterprise align with the FY24 Q1 revenue forecast for these funds.

Request submitted	
Capital Development Committee Request	
Vail Pass Avalanche Mitigation	\$6,400,000

Incremental Change from Prior Year	
Other Appropriated Funds	
Multimodal Transportation and Mitigation Options Fund (MMOF)	\$11,257,350
Clean Transit Enterprise	\$919,938



# Additional Adjustments Coming

## Still to come....

- **Decision items** - Per PD 703.0, requests of less than \$1 million are reviewed and subject to approval by the Executive Management Team (EMT), while decision items of \$1 million or greater are reviewed by the EMT and then forwarded to the TC for consideration, with final approval with the Final Annual Budget Allocation Plan in March 2023. The TC will have an opportunity to review any potential decision item requests during the February 2023 Budget Workshop, prior to the March adoption of the Final FY 2024-25 Annual Budget Allocation Plan.
- **Administration Budget (Line 67)** - Legislative and Office of State Planning & Budget (OSPB) actions during the budget-building cycle may require changes in Administration spending for CDOT. There will likely be additional adjustments throughout the legislative budget process and the Administration line will be updated accordingly.
- **Maintenance Reserve and Contingency Funds (Lines 36 and 73)** - The Proposed Budget reflects the full historical allocation of \$12.0 million to the Maintenance Reserve Fund (Line 36) and \$3.1 million to the Commission Reserve Funds lines (Line 73). These allocations may be reduced for the Final Budget if additional funds are needed for statewide common policies or other critical initiatives, or to increase funds available for the 10 Year Plan.
- **Other potential changes**, including updates after the next revenue forecast in December 2023.





# Timeline and Next Steps

After November, DAF will continue to address the following items for the FY 2024-25 Annual Budget:

- January 2024: The Annual Budget Allocation Plan may be updated to reflect the most current revenue forecast (December 2023).
- February 2024: The TC will be asked to review and approve any decision items of \$1 million or more, and additional changes as necessary.
- March 2024: The TC will be asked to review and adopt the FY 2024-25 Final Annual Budget Allocation Plan.





**MEMORANDUM**

**TO:** THE TRANSPORTATION COMMISSION  
**FROM:** JEFF SUDMEIER, CHIEF FINANCIAL OFFICER  
BETHANY NICHOLAS, BUDGET DIRECTOR  
**DATE:** NOVEMBER 16, 2023  
**SUBJECT:** FIFTH BUDGET SUPPLEMENT - FY 2023-2024

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## Region 2

\$733,000 – FASTER Safety - SH 115 RAMPS @ US 50 – Request \$733,000 for the award of this project which will build a roundabout at the offramp intersection of US50 and SH115. Funds are available from the FASTER program.

*Per Policy Directive 703.0 budget adjustments more than \$499,999 and 15% above of the prior approved budget requires Transportation Commission approval.*

## Region 5

\$5,500,000 - **Transportation Commission Contingency Reserve** - Culvert repairs on SH 17, MP 0.3 and MP 3.0 - Request to complete repairs to two failed culverts located on Cumbres Pass. Region 5 received an emergency declaration for these pipes on July 14th and have initiated design work so that the Region can advertise for bids in early 2024. MP 0.3 will need to have the failed culvert replaced and the temporary diversion removed. MP 3.0 will need to have headwalls and wingwalls installed, along with erosion protection. Neither location can be completed until Summer of 2024 due to onset of winter and spring runoff. In discussions with Maintenance, it was determined that they do not have the resources both in adequate equipment and manpower to make the needed final repairs. The repair work will require a contractor specializing in that type of work.

See attachment for additional information.

*Per Policy Directive 703.0 any request for TC Contingency Reserve must be approved by the Transportation Commission*





**Transportation Commission Program Reserve Fund Reconciliation  
Fifth Supplement FY 2024 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-23	<i>Balance 12S23</i>		<b>\$14,774,236</b>	
July-23	<i>Balance 1S24</i>		<b>\$10,774,236</b>	
August-23	<i>Balance 2S24</i>		<b>\$9,354,509</b>	
September-23	<i>Balance 3S24</i>		<b>\$188,354,509</b>	
October-23	<i>Balance 4S24</i>		<b>\$167,354,509</b>	
	<i>Prior month approved Culverts</i>	-\$65,000,000		1000323118
	<i>Prior month approved COBRA (bottleneck reduction)</i>	-\$500,000		1000323456
	<i>Prior month approved Rail Program</i>	-\$5,000,000		1000323470
	<i>Prior month approved Rest Areas</i>	-\$10,000,000		1000322877
	<i>Prior month approved Lightfleet</i>	-\$2,000,000		1000322899
	<i>Prior month approved Rockfall Mitigation</i>	-\$7,000,000		1000322806
	<i>Prior month approved Cost Escalation Fund Replishment</i>	-\$23,000,000		1000322806
	<i>Prior month approved MASH Guardrail</i>	-\$10,000,000		1000322806
	<i>Prior month approved JOA Hotels and Per Diem</i>	-\$400,000		1000322806
	<i>Year End Savings Return</i>	\$9,136,521		1000323490
November-23	<i>Pending Balance 5S24</i>		<b>\$53,591,030</b>	

**Transportation Commission Contingency Reserve Fund Reconciliation  
Fifth Supplement FY 2024 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-23	<i>Balance 12S23</i>		<b>\$22,301,756</b>	
July-23	<i>Balance 1S24</i>		<b>\$20,201,756</b>	
August-23	<i>Balance 2S24</i>		<b>\$20,216,766</b>	
September-23	<i>Balance 3S24</i>		<b>\$23,143,766</b>	
October-23	<i>Balance 4S24</i>		<b>\$23,143,766</b>	
	<i>Region 5 Currogated Metal Pipe</i>	-\$5,500,000		Pending
	<i>Region 3 Glenwood Canyon Reimbursement</i>	\$1,907,372		1000323461
November-23	<i>Pending Balance 5S24</i>		<b>\$19,551,138</b>	

**Cost Escalation Fund Reconciliation  
Fifth Supplement FY 2024 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-23	<i>Balance 12S23</i>		<b>\$20,555,987</b>	
July-23	<i>Balance 1S24</i>		<b>\$20,555,987</b>	
August-23	<i>Balance 2S24</i>		<b>\$18,447,112</b>	
September-23	<i>Balance 3S24</i>		<b>\$13,138,112</b>	
October-23	<i>Balance 4S24</i>		<b>\$10,636,521</b>	
	<i>Region 4 - US40/287 and CR109 Intersection</i>	-\$450,000		1000322317
	<i>Region 1 - US6:Wadsworth Phase 3 (SW Quad)</i>	-\$2,897,690		1000322414
	<i>Region 4 - CO 61A: Sterling East</i>	-\$750,000		1000322914
	<i>Cost Escalation Remplenishment</i>	\$23,000,000		1000322806
November-23	<i>Pending Balance 5S24</i>		<b>\$29,538,831</b>	



**Transportation Commission Maintenance Reserve Reconciliation  
Fifth Supplement FY 2024 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-23	<i>Balance 12S23</i>		\$0	
July-23	<i>Balance 1S24</i>		\$12,000,000	
August-23	<i>Balance 2S24</i>		\$12,000,000	
September-23	<i>Balance 3S24</i>		\$12,000,000	
October-23	<i>Balance 4S24</i>		\$12,000,000	
	<i>No Pending Requests</i>			
November-23	<i>Pending Balance 5S24</i>		\$12,000,000	



FY 2023-2024 Contingency Reserve Fund Balance Projection		
October		
TC Contingency Balance (Emergencies)		\$23,143,766
<b>Pending Requests:</b>		
Region 5 Currogated Metal Pipe		(\$5,500,000)
Region 3 Glenwood Canyon Federal Reimbursement		\$1,907,372
Pending November		\$19,551,138
TC Contingency Reserve Balance		
<b>Projected Outflow:</b>		
	Low Estimate	High Estimate
No Projected Outflows	\$0	\$0
<b>Projected Inflow:</b>		
	Low Estimate	High Estimate
I-70 Glenwood Canyon Slides Remaining Repayments	\$0	\$1,000,000
Projected FY 2023-2024 YE Contingency Balance	\$19,551,138	\$20,551,138
<b>TCCRF Surplus (Deficit) to Reach \$25M Balance July 1, 2024</b>	<b>(\$5,448,862)</b>	<b>(\$4,448,862)</b>

FY 2023-2024 Program Reserve Fund Balance Projection		
October		
TC Program Reserve Balance		\$167,354,509
<b>Pending Requests:</b>		
Prior month approved Culverts		(\$65,000,000)
Prior month approved COBRA (bottleneck reduction)		(\$500,000)
Prior month approved Rail Program		(\$5,000,000)
Prior month approved Rest Areas		(\$10,000,000)
Prior month approved Lightfleet		(\$2,000,000)
Prior month approved Rockfall Mitigation		(\$7,000,000)
Prior month approved Cost Escalation Fund Replishment		(\$23,000,000)
Prior month approved MASH Guardrail		(\$10,000,000)
Prior month approved JOA Hotels and Per Diem		(\$400,000)
Year End Savings Returns		\$9,136,521
Pending November		\$53,591,030
TC Program Reserve Fund Balance		
<b>Projected Outflow:</b>		
	Low Estimate	High Estimate
Pending Revenue Adjustment	(\$13,200,000)	(\$13,200,000)
<b>Projected Inflow:</b>		
	Low Estimate	High Estimate
No Pending Requests	\$0	\$0
Projected FY 2023-2024 YE Program Reserve Balance	\$40,391,030	\$40,391,030

FY 2023-2024 Cost Escalation Pool		
October		
Cost Escalation Pool Balance		\$10,636,521
<b>EMT Approved Requests:</b>		
Region 4 - US40/287 and CR109 Intersection		(\$450,000)
Region 1 - US6:Wadsworth Phase 3 (SW Quad)		(\$2,897,690)
Region 4 - CO 61A: Sterling East		(\$750,000)
Approved Cost Escalation Replenishment		\$23,000,000
Pending November		\$29,538,831
Cost Escalation Fund Balance		

FY 2023-2024 Maintenance Reserve Fund Balance Projection		
October		
TC Maintenance Reserve Balance		\$12,000,000
<b>EMT Approved Requests:</b>		
No Pending Requests		
Pending November		\$12,000,000
TC Maintenance Reserve Fund Balance		
<b>Projected Outflow:</b>		
	Low Estimate	High Estimate
No Projected Outflows	\$0	\$0
<b>Projected Inflow:</b>		
	Low Estimate	High Estimate
No Projected Inflows	\$0	\$0
Projected FY 2023-2024 YE Maintenance Reserve Balance	\$0	\$0
<b>Surplus (Deficit) to Reach \$12M Balance July 1, 2024</b>	<b>\$0</b>	<b>\$0</b>





# COLORADO

## Department of Transportation

Region 5

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

TO: Transportation Commission  
FROM: Julie Constan, PE, Region 5 Transportation Director  
DATE: November 16, 2023  
SUBJECT: Request for Contingency Reserve for pipe repairs at two locations on SH 17, MP 0.3 and MP 3.0

### Purpose

Region 5 requests the use of \$5,500,000 of Transportation Commission Contingency Reserve to complete repairs to two failed culverts located on Cumbres Pass.

### Background

#### **MM 0.3**

On May 26, 2023, Section 7 Maintenance notified the Region 5 Hydraulics Engineer of a sink hole that had developed in the Northbound lane of SH 17 at approximately MM 0.3 near the State line with New Mexico. The sink hole was approximately 10' x 10' wide and 20' deep. The sink hole was caused by a failing 36" corrugated metal pipe (CMP) that had collapsed into a void caused by the bottom of the culvert rotting out. Engineering made an immediate site visit and it was determined that the Northbound lane must close and traffic diverted to the South bound lane using barrier and a temporary signal system. The site would be monitored for any additional road damage throughout the Memorial Day weekend. Engineering and Maintenance would regroup the following week to discuss strategies.

On Tuesday May 30, 2023 Engineering and Section 7 Maintenance met to determine what temporary fix could be made to keep the highway open.

A plan was developed to temporarily bypass the flows from the damaged culvert to a culvert downstream and backfill the void with riprap and earth to stabilize the roadway and prevent further failure. The void was backfilled on Wednesday, May 31, 2023. The diversion of flows was completed in August 2023.

#### **MM 3.0**

Subsequently on June 15, 2023 Maintenance reported another sink hole in the shoulder on SH 17 at MM 3.0. The sink hole was being caused by an 84" CMP that had also failed and settled. The pipe conveys Wolf Creek beneath the highway near the summit. On June 26, 2023 Maintenance was able to do a more detailed investigation of the culvert after flows had receded enough to approach the ends of the failing pipe. The damage was far more severe than originally estimated and a second one-lane closure was put in place to close the North bound lane.

Region Engineering Staff met with Maintenance on June 28, 2023, to discuss options for another temporary fix again to keep the road open.



It was decided to use existing 72" welded steel pipes located in a maintenance yard in Section 3, as an insert into the failing culvert to stabilize the roadway. On June 30, 2023, Maintenance began pushing the pipe through the failing culvert and completed the work on July 27th.

### **Additional Work**

Both locations require further work. MP 0.3 will need to have the failed culvert replaced and the temporary diversion removed. MP 3.0 will need to have headwalls and wingwalls installed, along with erosion protection. Neither location can be completed until Summer of 2024 due to onset of winter and spring runoff.

In discussions with Maintenance, it was determined that they do not have the resources both in adequate equipment and manpower to make the needed final repairs. The repair work will require a contractor specialized in that type of work.

Region 5 received an emergency declaration for these pipes on July 14th and have initiated design work so that the Region can advertise for bids in early 2024.

### **Highway Significance**

SH 17, while not a high traffic roadway (AADT 610), the highway is used by the Cumbres & Toltec Railroad to ferry passengers by bus who do not want to ride the railroad both ways, over the pass. This is a very important contributor to the local economy in both Antonito, Colorado and Chama, New Mexico. The pass is also popular with bikers, campers, and hikers accessing the Continental Divide Trail. The only detour available is 94 miles through New Mexico, or over Wolf Creek Pass on US Hwy 160.

### **Recommendation**

Staff recommends allocation of \$5,500,000 in Contingency Reserve to the project.





**COLORADO**

**Department of Transportation**

Office of the Chief Engineer

**MEMORANDUM**

**DATE:** November 15, 2023  
**TO:** Transportation Commission  
**FROM:** Shoshana Lew, Executive Director  
John Lorme, Director of Maintenance and Operations  
Keith Stefanik, Chief Engineer  
**SUBJECT:** State of Good Repair - An Overview of How CDOT Maintains Our System

**Purpose**

To update the Transportation Commission on CDOT's approach to maintain our transportation system.

**Action**

No action required.

**Background**

Please see the attached presentation that provides an overview of CDOT's current practice.

**Next Steps**

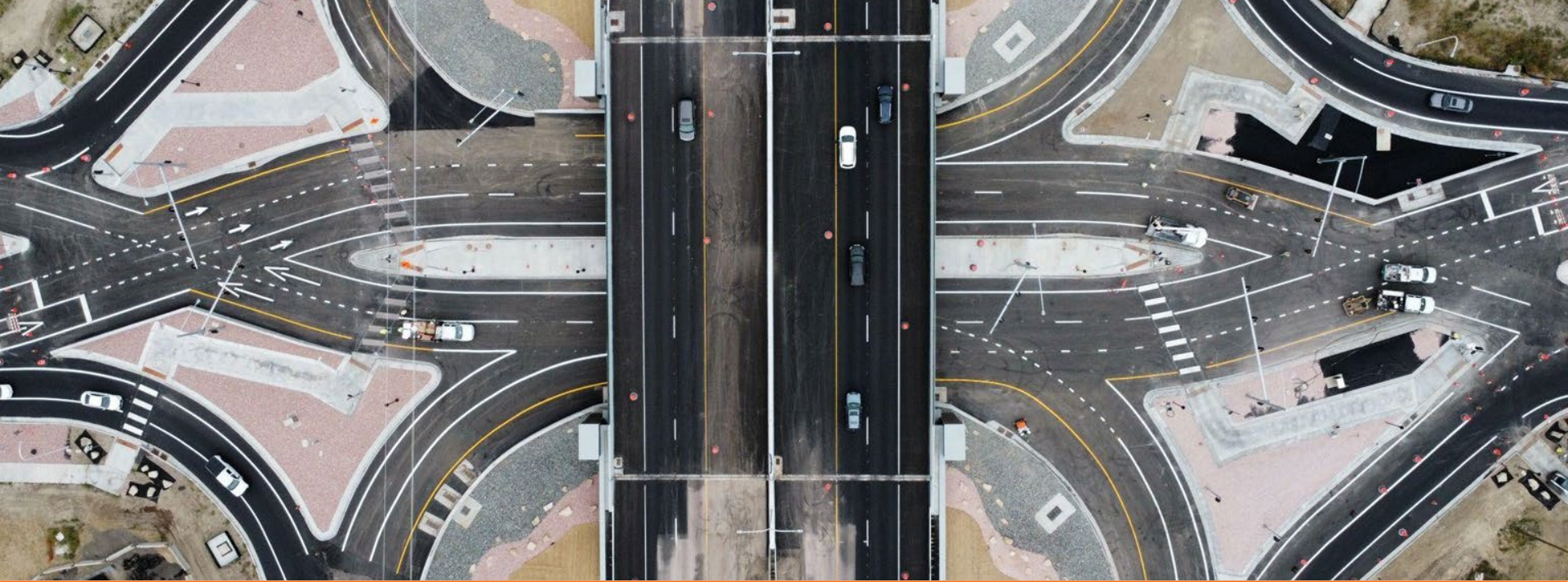
None.

**Attachments**

Attachment A: Presentation







**COLORADO**  
Department of Transportation

# State of Good Repair

*An Overview of How CDOT Maintains Our System*

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# Agenda

1. Historical programs and policies
2. Update on 10-Year Plan investments
3. Recent additional pavement investment
  - a. Rural Roads
  - b. Interstate Pavement
  - c. Strategic Pavement Preservation
  - d. Post-Winter Critical Pavement Repairs
4. Core programs and work
  - a. Maintenance Level of Service (MLOS) - Surface Preservation Program
  - b. CDOT Asset Management Program





# Historical Policies and Budget Decisions

- 2001-2007: T-REX project: \$1.67 billion (2001 dollars)
- 2011-2012: Usability life to drive-ability life shift in paving models
  - Policy designed to limit expenditures on low-volume roads
- 2018-2023: Central 70 project: \$1.2 billion
- 2019-2026: I-25 North Segments 5-8: \$1.5 billion (not including total Segment 5 costs)
- 2019-2020: CDOT 10 Year Plan: \$862 million Rural Paving Program
  - FY 23 Bustang budget: \$16.6 million
- Large budgetary commitments and policy changes affect CDOT's ability to devote resources to other competing priorities, including road condition and preventative maintenance



# 10 Year Plan Investments & Progress To Date

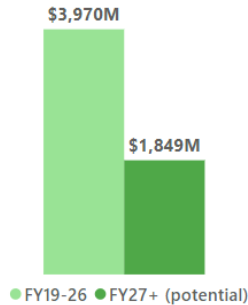


## 10 Year Plan 2023 - STATEWIDE

Draft: Subject to Revision  
Release Date: 9/1/2023

Total Projects Cost	Total Strategic Funds	10Y Plan Projects
<b>\$9,848M</b>	<b>\$5,819M</b>	<b>370</b>

### CDOT Strategic Funds



### Projects by Status

Status	Project Count	%
Planning	177	48%
Design	98	26%
Construction	40	11%
Complete	54	15%
On Hold	1	0%
<b>Total</b>	<b>370</b>	<b>100%</b>

### Total Cost by Project Type

Project Type	Total Cost	%
Highway	\$6,713M	68%
Highway, Transit	\$1,571M	16%
Rural Paving	\$1,051M	11%
Transit	\$513M	5%
<b>Total</b>	<b>\$9,848M</b>	<b>100%</b>

### Strategic Funds by Project Type

Project Type	Strategic Funds	%
Highway	\$3,831M	66%
Highway, Transit	\$838M	14%
Rural Paving	\$862M	15%
Transit	\$289M	5%
<b>Total</b>	<b>\$5,819M</b>	<b>100%</b>

### All Funds

CDOT Strategic	Other CDOT	Bridge & Tunnel Enterprise (BTE)	Colorado Transportation Investment Office (CTIO)	Federal Grants	Local	Total
\$5,819M	\$1,225M	\$822M	\$648M	\$1,053M	\$272M	\$9,848M



# Commitment to Rural Roads - 2022

- **538 miles** of rural roads improved through CDOT contracted projects and maintenance activity
- **140.27 miles** repaved in Southeast CO
- **264.21 miles** repaved in Northwest CO
- **15.7 miles** repaved in Northeast CO
- **61 miles** repaved in Southwest CO





# Fixing Poor Interstate Pavement

- In early 2023, Director Lew requested a plan to improve interstate pavement rated “poor” under National Performance Measures since federal funding is restricted if 5% “poor” is exceeded
- This supports a key Transportation Commission goal of improving our national standing ranking regarding interstate condition [2021 = 158 lane miles (3.9%)] of Colorado interstates were classified as “poor”
- Strategic initiative to improve Interstate pavement condition was presented by CDOT staff during the February 2023 TC Workshop which included a funding need of \$233.7 million
  - CDOT staff identified \$217.5 million (93%) through existing funding and a series of Transportation Commission approvals
  - Identified funding will repair 88 of 143 lane miles of poor interstate
  - CDOT staff continues to explore options to fund the remaining \$16.2 million



# \$35 Million Additional Pavement Investment

- In December 2022, the Transportation Commission approved a \$10 million for Strategic Pavement Preservation
  - Improvements to pavement condition utilizing low cost/high benefit treatments including chip seals and crack sealing
  - \$2 million allocated to each CDOT Region
- In April 2023, the Transportation Commission approved \$25 million for Post-Winter Critical Pavement Repair
  - Funding to improve road conditions after one of the most intense winters in recent decades resulted in damage to segments of roads beyond what they normally sustain each year

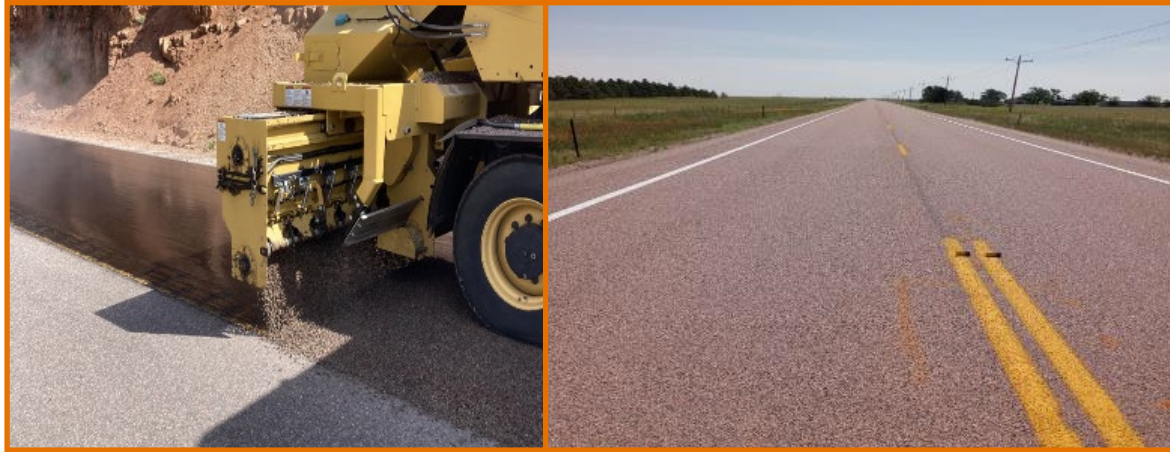


King Area patrols working along US 160 west of Durango





# Strategic Pavement Preservation - \$10 Million



Number of  
Project  
Locations

38

Project  
Delivery  
Methods

- CDOT Maintenance Forces (29)
- M-Projects (4)
- IDIQ Contracting (5)

Lane Mile  
Years  
Added to  
System

1029

Projects  
Completed

47%



# Post-Winter Critical Pavement Repair - \$25 million



Number of  
Project  
Locations

12

Project  
Delivery  
Methods

- CDOT Maintenance Forces (7)
- M-Projects (2)
- IDIQ Contracting (1)
- Highway Construction Projects (2)

Lane Mile  
Years Added to  
System

624

Program  
Completion

97%



# Maintenance Level of Service (MLOS)

Any thing of value requires maintenance, but winter always wins!

Once assets are identified and their locations, conditions, and specifications are known, a basic maintenance care plan can be created. Depending on an asset's current condition, importance, and risk of failure, different maintenance strategies should be employed.

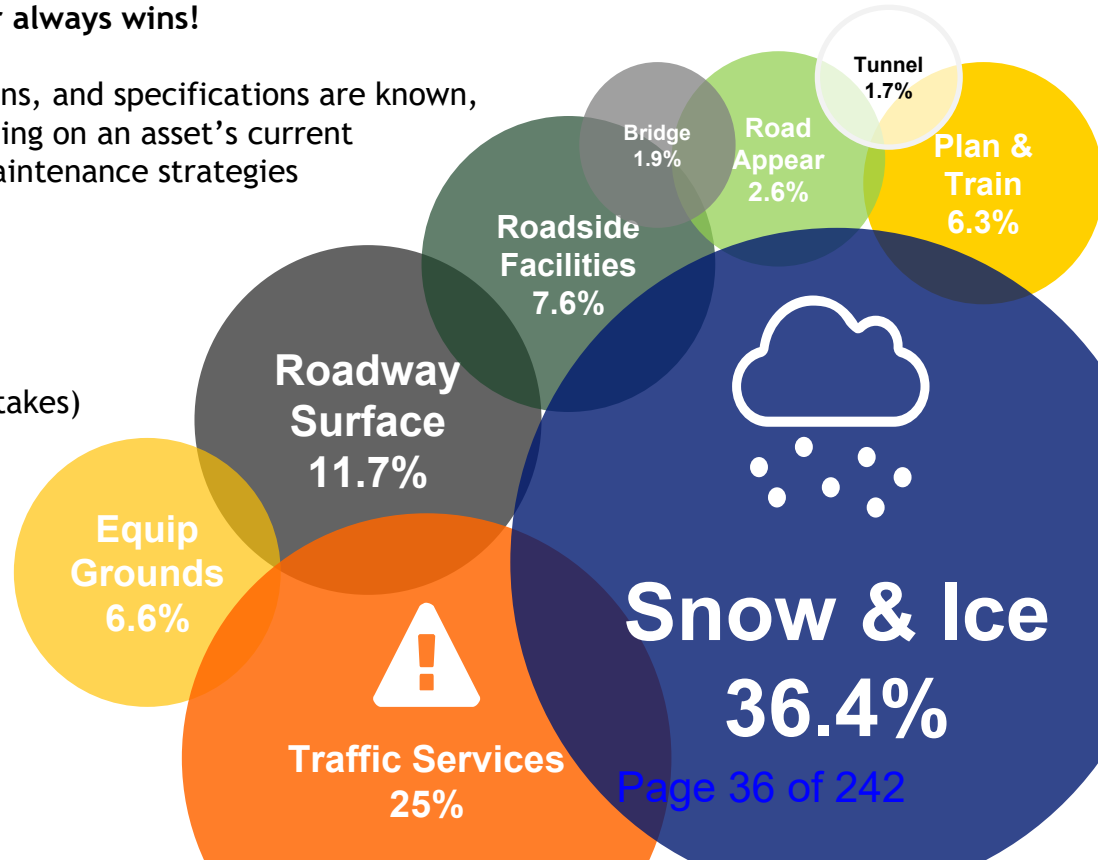
## - Best Practices -

- ✓ Direct Leadership (TMII and Up)
- ✓ Close budget management
- ✓ Correct work order reporting (reduce reporting mistakes)
- ✓ Control overtime costs
- ✓ Calibrate equipment & preventive maintenance
- ✓ Reduced turn over/improved training

**PERS:**  
MLOS does not have annual cost of living adjustments

**OPS:**  
MLOS does not have an annual inflationary adjustment

**PERS budget changes**  
annually pulling from OPS







# Maintenance (MLOS) Budget

While saying we can not afford this is sometimes unavoidable, who makes the decision on what we do not maintain?

**Operations** activities use significant staff and financial resources and are often prioritized by their **direct and immediate impact** on the traveling public. For example, winter operations, the speed and scale of snow clearing has an immediate impact on traveler mobility. If operations activities are not fully funded or incur a funding reduction, the public and staff usually notice the impacts immediately.

**Maintenance** Insufficient maintenance typically leads to underperforming assets that cause increased risks, potential service disruptions, and premature asset failure. The net result is a strain on our asset management program and either a higher lifecycle cost of delivering the expected levels of service, or a decreased level of service.

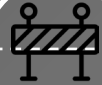
Starting Budget  
Adjusted budget  
Ending Budget (311)

**Traffic Services**  
\$71.7M  
\$79.4M  
\$78M

**Equipment**  
\$18.2M  
\$17.7M  
\$20.8M

**Roadside Appearance**  
\$10.7M  
\$10.7M  
\$8.1M

**Tunnels**  
\$5.5M  
\$5.9M  
\$5.4M



**Winter OPS**  
\$84.4M  
\$115.7M  
\$113.3M

**Road Surface**  
\$38M  
\$38M  
\$36.4M

**Roadside Facilities**  
\$22.6M  
\$22.8M  
\$23.7M

**Planning Training**  
\$16.3M  
\$16.3M  
\$19.7M

**Structures/Bridge**  
\$5.7M  
\$6.07M  
\$6.01M



# MLOS - FY23 Maintenance Accomplishments

## Surface Preservation

ROADWAY SURFACE - 150 MPA

**88,467  
Tons**  
*153 miles*

**22,283  
Yrds**  
*230 miles*

**65,757  
sqft**

**673k  
gal**

**\$13M**

**\$3.9M**

**\$5.2M**

**\$1.4M**

**Paving**

*Tonnage*

*69k Labor Hours*

*Roto-milled – 103k yards of pavement*

*18k Labor Hours*

**Chip Seal**

*Square Yards*

*18k Labor Hours*

**Pavement Patching**

*Square Feet Of Pavement*

*Markings 92k Labor Hours*

**Crack Sealing**

*Gallons*

*24k Labor Hours*



# MLOS - FY23 Maintenance Accomplishments

## Barriers

TRAFFIC SERVICES - 300 MPA

221k  
feet

\$5.2M

Guardrail

Linear Feet Replaced

220k  
feet

\$1.3M

Cable Rail

Linear Feet Repaired

136.4k  
ea

\$2.1M

Delineation

Posts Repaired or Replaced

3290  
ea

\$11.3M

Attenuator

Replaced or Repaired





# MLOS - FY23 Maintenance Accomplishments

## Traffic

TRAFFIC SERVICES - 300 MPA

20,261

\$7.1M

Signage

Replaced or repaired Signs and signposts

MPA 302/303

57k Labor Hours

1100

\$575k

Roadway Warning Devices

Devices Repaired or Replaced

22.2k

\$18.9M

Pavement Markings

Miles of Pavement Markings

MPA 308

42k Labor Hours

16,561

\$7.2M

Signals

Traffic Signal Repaired

45k Labor Hours



# MLOS - FY23 Maintenance Accomplishments

## Winter Fleet Maintenance

ROADWAY SURF CENTER, ILLINOIS

872

\$14.9M

Plows

Downtime 1.6k Hours

30

\$224k

Snow Blowers

Downtime 22.9k Hours

15

\$57k

Dozers/Snowcats

Downtime 10.4k Hours

84

\$593k

Motor- graders

Downtime 29.3k Hours

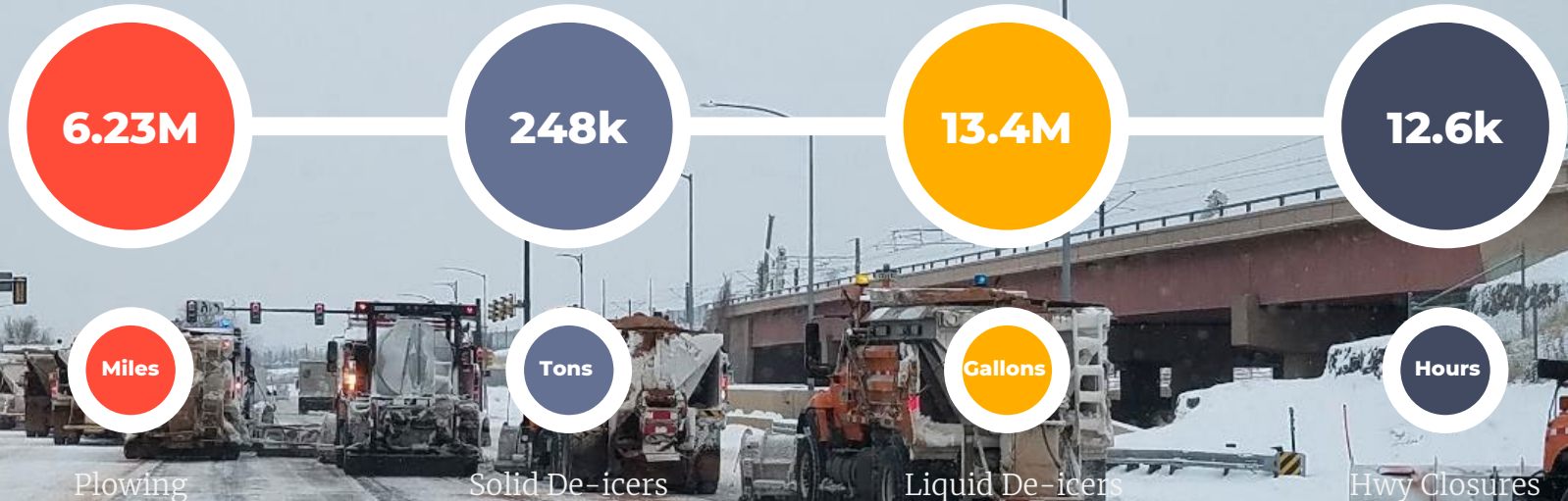




# MLOS - FY23 Maintenance Accomplishments

## Winter Maintenance

Snow and Ice MPA 400



Miles

Plowing

*Plowed, sanded, and/or deiced*

Tons

Solid De-icers

Gallons

Liquid De-icers

Hours

Hwy Closures



# MLOS - FY23 Maintenance Accomplishments

## Vegetation/Debris Management

ROADSIDE BUFFER ZONE - 200/250 MPAs





# CDOT Asset Management Program

- Asset management is about delivering the right projects, for the right assets, at the right times. It is about achieving the right mix of preventive maintenance, rehabs, replacements, etc.
- CDOT's asset management goal is to achieve and sustain a state of good repair for the Department's assets over their life cycles for the minimum practical cost.
- These approaches contrast with a “worst-first” approach, which simply replaces the worst assets without thought to treatments that extend asset life.







# CDOT Transportation Asset Management Program

- Transportation Asset Management (TAM) program began in 2012 to implement more data and performance-driven asset investments
- Absorbed asset programs with dedicated annual funding allocation (e.g., pavement, bridge, maintenance, ITS) and combined with other classes that typically requested ad hoc funding from Transportation Commission
- Maintains executive oversight and working committees

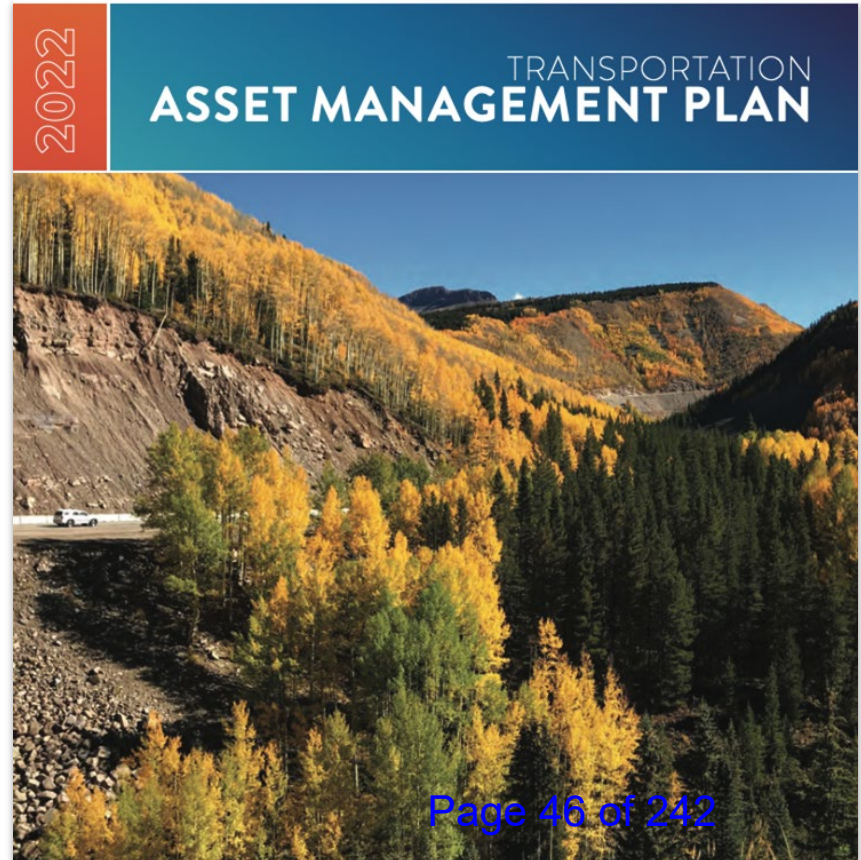
## 12 Asset Classes:

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



# Transportation Asset Management (TAM) Plan

- TAM programs across all DOTs are required to publish a Transportation Asset Management Plan (TAMP) every 4 years (23 U.S.C. 119(e)(1), MAP-21 § 1106)
- CDOT's Transportation Asset Management Plan was approved by FHWA in March 2023
- CDOT's TAMP describes how the TAM program will manage the assets effectively and play a proactive role in the economic vitality of the state and the quality of life of its people







# PD-14: Performance Measures & Targets

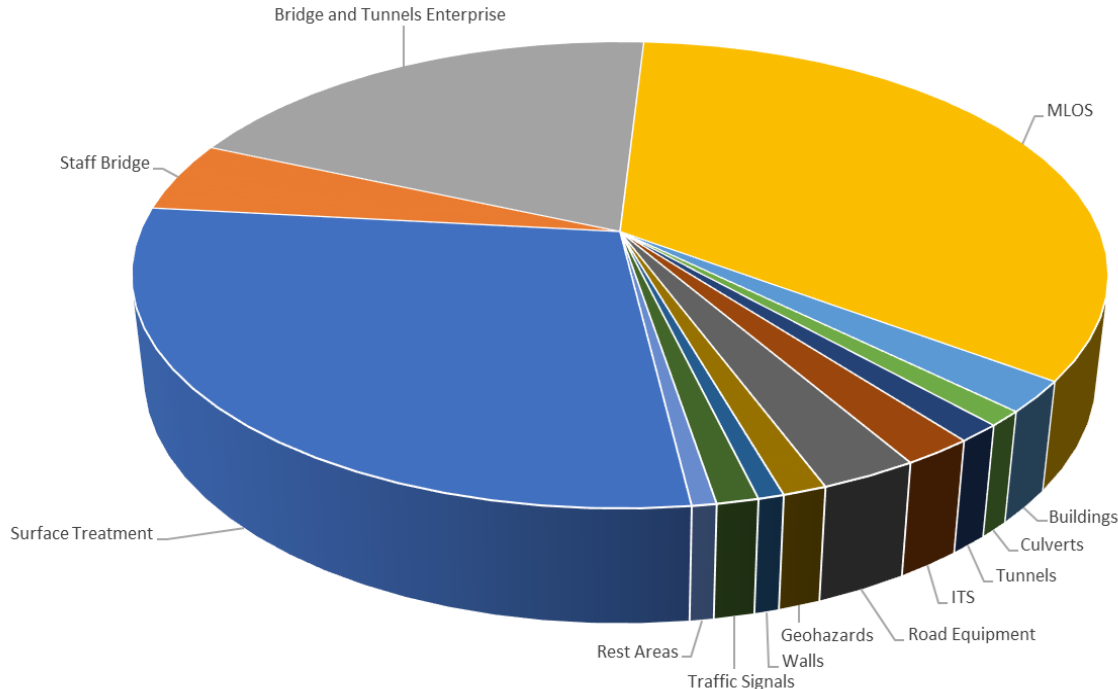
Asset	PD-14 Measure	PD-14 Target	Current Performance
Pavement	Achieve or maintain 80% high or moderate Drivability Life for the state highway system based on condition standards and treatments set for traffic volume categories.	>80%	81%
Bridge	Achieve or maintain the percent of National Highway System total bridge deck area in poor condition below 10%.	<10%	3.43%
Maintenance	Achieve or maintain an overall MLOS B minus grade for the state highway system.	>B-	B+
Snow and Ice Removal	Achieve or maintain a LOS B grade for snow and ice removal.	>B	A-
Buildings	Achieve or maintain an average statewide letter grade for CDOT-owned buildings at or above 85% C or better.	>85%	48%
ITS	Maintain or decrease the average percent useful life of ITS equipment at or below 90%.	<90%	79.29%
Fleet	Maintain or decrease the average percent useful life of CDOT fleet vehicles at or below 75%.	<75%	68%
Culverts	Maintain or decrease the percent of culverts in poor condition (have a culvert rating of 4 or less) at or below 5%.	<5%	5.32%
Geohazards	Achieve or maintain the percent of geohazard segments at or above risk grade B at or above 85%.	>85%	76%
Tunnels	Achieve or maintain the percent of network tunnel length with all elements in equal or better condition that 2.5 weighted condition index at or above 75%.	>75%	50.47%
Traffic Signals	Maintain or decrease the percent of signal infrastructure in severe condition at or below 2%.	<2%	6%
Walls	Maintain or decrease the percent of CDOT-owned walls, by square foot, in poor condition (have a rating of 4 or less) at or below 2.5%.	<2.5%	4.44%
Rest Areas	Achieve or maintain an average statewide letter grade for CDOT rest areas at or above 90% C or better.	>90%	73%

Note: In addition to the in-house measures above, pavement and bridge have two- and four-year National Performance Measure targets for the National Highway System



# Fiscal Year (FY) 24 Asset Management Funding

**Asset Management Funding Distribution by Asset (\$788M)**



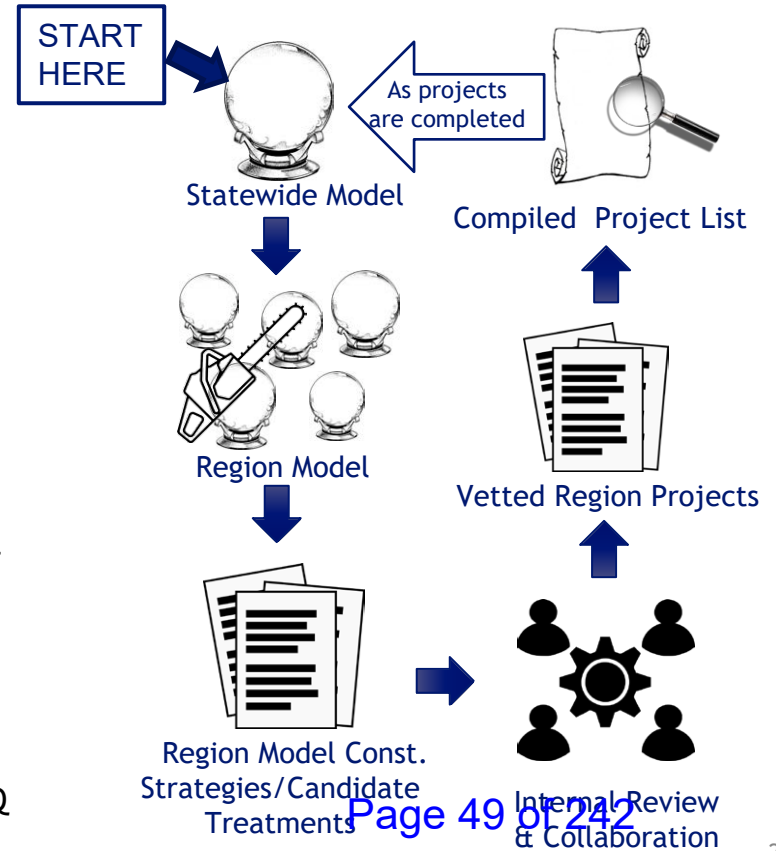
- Surface Treatment, Staff Bridge, Bridge and Tunnel Enterprise, & MLOS = **\$686 million**
- All other Assets = **\$102 million**



# Surface Treatment: Project Selection Process

## Project-Selection and Prioritization Process:

- HQ Pavement Managers (PMs) conduct quality review of data collection, updates models and provides region specific models to Region PMs
- Region PMs run analysis using region specific budgets to identify most cost-effective projects for maintaining pavement quality
  - Regions may modify model for region inputs within reason
- Region PMs use model recommendations to identify candidate projects
- Region identifies final list of treatments for a given fiscal year
  - Includes coordination with other assets, specialty groups, Maintenance and regional planning partners
  - Final region list target: 80% of planned SUR projects match model recommendations
- Regions transmit project plan to HQ PMs for compilation, budgetary checks, and percent model match verification.
  - Performance: **90% match (2021-2025)**
- HQ PMs submits final list to PAM Branch to route for approval
- As SUR Projects (and others) are completed, Regions report data to HQ PMs for inclusion back into the models.





# Historial TAM Funding

Asset Class	Final Budgets										Planning Budgets			
	FY2013-14	FY2014-15	FY2015-16	FY2016-17	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26	FY2026-27
Surface Treatment	\$238.8	\$235.2	\$235.9	\$252.1	\$231.4	\$225.4	\$222.0	\$223.2	\$223.3	\$224.6	\$225.6	\$229.0	\$233.0	\$233.0
Staff Bridge	\$58.4	\$53.3	\$40.0	\$36.6	\$43.2	\$25.9	\$32.6	\$27.0	\$37.3	\$37.3	\$38.3	\$38.3	\$38.3	\$38.3
Bridge and Tunnels Enterprise	\$115.5	\$114.9	\$124.1	\$126.6	\$112.2	\$116.2	\$117.4	\$120.2	\$125.3	\$145.3	\$152.6	\$162.0	\$182.0	\$192.0
MLOS	\$249.0	\$251.3	\$254.4	\$262.6	\$263.5	\$272.8	\$265.7	\$265.2	\$263.5	\$267.8	\$269.0	\$269.0	TBD	TBD
Buildings	\$11.3	\$20.8	\$12.9	\$21.4	\$17.5	\$20.2	\$17.6	\$18.1	\$16.7	\$17.8	\$17.0	\$15.5	\$15.5	\$15.5
Culverts	\$11.5	\$9.6	\$8.2	\$11.9	\$9.1	\$7.6	\$7.5	\$8.3	\$8.6	\$8.3	\$8.2	\$8.2	\$8.2	\$8.2
Tunnels	\$7.4	\$12.4	\$5.2	\$10.5	\$6.4	\$8.4	\$10.3	\$10.0	\$9.4	\$9.8	\$9.8	\$9.8	\$9.8	\$9.8
ITS	\$21.5	\$27.6	\$21.4	\$24.5	\$23.0	\$23.5	\$29.2	\$14.9	\$10.2	\$16.2	\$15.6	\$16.6	\$16.6	\$16.6
Road Equipment	\$20.9	\$20.9	\$18.4	\$26.4	\$23.0	\$26.8	\$22.1	\$21.6	\$22.0	\$21.5	\$21.5	\$21.0	\$21.0	\$21.0
Geohazards	\$9.0	\$9.1	\$9.2	\$11.8	\$8.5	\$8.4	\$9.7	\$12.3	\$10.1	\$10.0	\$9.7	\$9.7	\$9.7	\$9.7
Walls	\$0.0	\$0.0	\$2.4	\$10.2	\$4.6	\$4.6	\$5.1	\$5.5	\$5.4	\$5.8	\$5.7	\$5.7	\$5.7	\$5.7
Traffic Signals	\$0.0	\$0.0	\$5.7	\$16.9	\$12.6	\$14.8	\$14.6	\$15.1	\$12.5	\$9.2	\$9.2	\$8.2	\$8.2	\$8.2
Rest Areas	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$6.9	\$5.4	\$4.0	\$4.0	\$4.0
<b>TOTAL</b>	<b>\$743.3</b>	<b>\$755.1</b>	<b>\$737.8</b>	<b>\$811.5</b>	<b>\$755.0</b>	<b>\$754.6</b>	<b>\$753.8</b>	<b>\$741.4</b>	<b>\$744.3</b>	<b>\$780.3</b>	<b>\$787.6</b>	<b>\$797.0</b>	<b>\$552.0</b>	<b>\$562.0</b>
<b>TOTAL MINUS BTE</b>	<b>\$627.8</b>	<b>\$640.2</b>	<b>\$613.7</b>	<b>\$684.9</b>	<b>\$642.8</b>	<b>\$638.4</b>	<b>\$636.4</b>	<b>\$621.2</b>	<b>\$619.0</b>	<b>\$635.0</b>	<b>\$635.0</b>	<b>\$635.0</b>	<b>\$370.0</b>	<b>\$370.0</b>
<b>TOTAL MINUS BTE and MLOS</b>	<b>\$378.8</b>	<b>\$388.9</b>	<b>\$359.3</b>	<b>\$422.3</b>	<b>\$379.3</b>	<b>\$365.6</b>	<b>\$370.7</b>	<b>\$356.0</b>	<b>\$355.5</b>	<b>\$367.3</b>	<b>\$366.0</b>	<b>\$366.0</b>	<b>\$370.0</b>	<b>\$370.0</b>

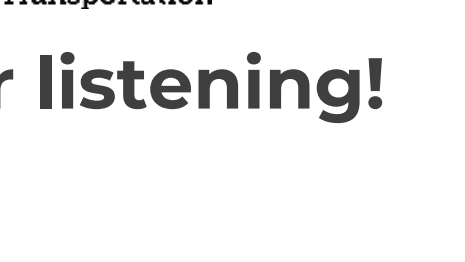
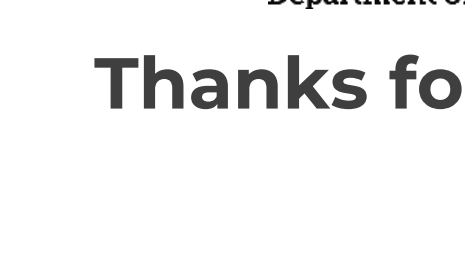




**COLORADO**

Department of Transportation

**Thanks for listening!**







**MEMORANDUM**

**TO:** The Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Patrick Holinda, Bridge and Tunnel Enterprise Manager  
Katie Carlson, Bridge and Tunnel Enterprise Financial Manager  
Jeff Sudmeier, Chief Financial Officer  
**DATE:** November 15, 2023  
**SUBJECT:** Bridge and Tunnel Enterprise 10-Year Plan Financing Workshop

**Purpose**

Staff has prepared this workshop to provide the Bridge and Tunnel Enterprise (“BTE” or the “Enterprise”) Board of Directors (Board) additional information from the October workshop with specific information relating to the upcoming bond issuance to fund a portion of the 10-Year Plan.

**Action**

No approval action is being requested this month. Staff requests Board feedback on ongoing Enterprise planning activities.

**Background**

The passage of SB21-260 established BTE as a key strategic business partner and funding source for the 10-Year Plan. To allow BTE to program available resources in accordance with the statute and support CDOT with the funding and delivery of the 10-Year Plan, the Board adopted revisions to Policy Directive BE16.0, which provides direction to staff to prioritize 10-Year Plan projects when determining program funding allocations. Additionally, the Board approved the imposition of the bridge and tunnel impact fee and bridge and tunnel retail delivery fee (bridge and tunnel fees) using authority granted by SB21-260. To date, approximately \$250M in BTE funds have been budgeted to 10-Year Plan projects.

**Details**

As previously discussed at the October workshop, BTE is planning to address the funding gap of \$350M to \$430M through 3 financings. This would result in timely completion of projects and would manage program cash flows from FY2024 to FY2027. Due to its Enterprise status, BTE is authorized to issue revenue bonds and enter into agreements with governmental and non-governmental entities for loans or grants. The first bond issuance in Q12024 is estimated to be in the range of \$150M and \$250M with the need for subsequent bond issuances in calendar year 2025 and 2026 assessed based on project needs in future fiscal years.

BTE currently has Senior Lien Revenues Bonds outstanding in the amount of \$295,920,000 and obligations for the Central 70 Project in the form of availability payments through fiscal year 2052. The existing indentures for the Senior Lien Bonds and the Central 70 Note have different bond covenants which could limit the future borrowing capacity of BTE depending on market conditions and revenues collected. The Senior Lien Bond indenture has an additional bonds test (“ABT”) of 2.00x debt service coverage (“DSC”) on all Bridge Surcharge Revenues. The Central 70 Note indenture has an ABT of 1.25x DSC, inclusive of all Senior Lien and Central 70 obligations. The Central 70 Note also includes additional provisions related to the TIFIA loan for the project, which could limit future borrowing needs of the Enterprise. Additionally, all existing BTE obligations are relatively fixed and do not include necessary optionality to amend or restructure outstanding debt.

With the nature of the outstanding BTE obligations and the identified funding gap over the next four years, the following considerations for future financing needs are being evaluated.

- **Series 2024 Amortization:** BTE can structure the new debt either with level debt service (equal annual payments for the term of the bonds) or a wrapped structure (deferring principal to achieve aggregate level debt service with existing obligations). A level structure would provide the lowest cost of borrowing, but would reduce revenues available for





near-term pay-go projects. Alternatively, a wrapped structure would provide more pay-go revenues in the near-term, at the expense of increased future debt service costs and fewer dollars available for pay-go beginning in FY2042.

- New BTE Working Lien: In order to modify the existing bond covenants in the Senior Lien Bond indenture and the Central 70 Note indenture, BTE can “close off” these existing liens to future borrowings and create a new working lien beginning with the Series 2024 Revenue Bonds. BTE will have the ability to include more flexible bond covenants to preserve additional future bonding capacity and include additional revenues.

At the December Board Meeting, the Board will be provided with drafts of a Parameters Resolution (delegating the authority to staff for debt issuance within certain not to exceed parameters related to costs and interest rate), the Preliminary Official Statement (offering document used to market the bonds to investors) and the Bond Indenture. Final versions of all financing documents will be approved at the January Board meeting. Current financing timing contemplates issuing and closing on the Series 2024 Revenue Bonds in February in order to deliver the necessary funding ahead of the March target.

### Next Steps

1. Staff will continue to work with the underwriting syndicate, its Municipal Advisor, and Bond Counsel to prepare all necessary financing documents.
2. Staff will evaluate and refine structuring considerations to balance overall debt service costs with pay-go targets.
3. Staff will work with its Municipal Advisor to present the financing to the rating agencies in December, receiving the ratings for the Series 2024 Revenue Bonds ahead of the January Board Meeting.

### Attachments:

Attachment A: BTE 10-Year Plan Financing Workshop







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Department of Transportation

# Statewide Bridge and Tunnel Enterprise 10-Year Plan Financing Workshop

November 15, 2023  
[Page 54 of 242](#)





# Agenda

1. Background Information
2. Debt Service Considerations
3. Future Documents for BTE Board Review
4. Indenture Considerations
5. Refined Schedule and Next Steps







# *Background Information*



# FY24-FY27 BTE 10-Year Plan Commitments

- BTE is committed to fully funding the poor-rated bridges included in CDOT's 10-year plan
- The scale and timing of these projects creates a funding gap for BTE between FY24-FY27
  - \$700M+ in expenditures over four years
  - Funding gap has been fluctuating between \$325M - \$450M
- BTE is well positioned to address the funding gap with financing
  - Business purpose includes financing to address poor-rated bridges and complete tunnel projects
  - Authorized to issue revenue bonds and to enter into agreements for loans or grants with governmental or non-governmental entities
  - Bonding capacity currently exceeds \$600M based on bridge safety surcharge revenues; capacity increases to over \$750M if Bridge and Tunnel fee revenues are pledged\*

\* Pending resolution of outstanding litigation/board approval of pledging additional revenues



# BTE Financial Status Summary

## FY24-FY33 Available Revenues vs. Project Commitments by FY (\$ in Millions)

Column	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	Total
Revenues <sup>1</sup>	\$ 149	\$ 156	\$ 175	\$ 182	\$ 190	\$ 199	\$ 202	\$ 203	\$ 207	\$ 208	\$ 1,871
Roll Forward <sup>2</sup>	15	22	(82)	(262)	(328)	(276)	(162)	(45)	80	209	\$ (829)
Non-Project Expenses <sup>3</sup>	(51.0)	(52.0)	(65.0)	(65.0)	(66.0)	(70.0)	(69.0)	(70.0)	(70.0)	(70.0)	\$ (648)
10-Year Plan Projects <sup>4</sup>	(47)	(181)	(278)	(181)	(64)	(7)	(8)	-	-	-	\$ (766)
Other Projects <sup>5</sup>	(44)	(27)	(12)	(2)	(8)	(8)	(8)	(8)	(8)	(8)	\$ (133)
<b>Cumulative Capacity/Deficit</b>	<b>\$ 22</b>	<b>\$ (82)</b>	<b>\$ (262)</b>	<b>\$ (328)</b>	<b>\$ (276)</b>	<b>\$ (162)</b>	<b>\$ (45)</b>	<b>\$ 80</b>	<b>\$ 209</b>	<b>\$ 339</b>	

Source: Various, see below

1 OFMB and pertinent debt service schedules - Assumes the continued collection of the BABs subsidy and FHWA participation in debt service on the Series 2010A/2019A bonds at current levels.

2 BTE staff - Amounts reflected are annual estimated year-end roll forwards from the prior fiscal year

3 BTE staff and pertinent debt service schedules

4 Region staff - Based on planning-level project expenditure forecasts. Subject to change.

5 BTE staff



Estimated FY24-FY27  
Funding Gap

**Note:** Variances in the funding gap are expected as construction cost estimates, schedules, and expenditure forecasts are refined.



# 10-Year Plan Project Funding Needs

## FY24-FY33 10-Year Plan Project Funding Needs by FY (\$ in Millions)

Column 1	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	Total
Floyd Hill	\$ 15	\$ 73	\$ 117	\$ 43	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 248
I-270 Critical Bridges	6	10	40	30	10	-	-	-	-	-	\$ 96
I-270 EIS Remaining Bridges	-	5	10	20	20	-	-	-	-	-	\$ 55
EJMT	2	34	31	36	12	7	8	-	-	-	\$ 130
Vail Pass (WBND Bridge)	17	-	-	-	-	-	-	-	-	-	\$ 17
Vail Pass (EBND Bridge)	7	28	18	-	-	-	-	-	-	-	\$ 53
Speer and 23rd Bridges	-	4	8	30	22	-	-	-	-	-	\$ 64
I-25/US50 Interchange (New Pueblo)	-	16	31	4	-	-	-	-	-	-	\$ 51
US6/Wadsworth Interchange	-	2	12	6	-	-	-	-	-	-	\$ 20
I-76 Phase IV Bridges	-	9	9	-	-	-	-	-	-	-	\$ 18
US160 Safety and Mobility	-	-	2	12	-	-	-	-	-	-	\$ 14
<b>Total Remaining Budget Need</b>	<b>\$ 47</b>	<b>\$ 181</b>	<b>\$ 278</b>	<b>\$ 181</b>	<b>\$ 64</b>	<b>\$ 7</b>	<b>\$ 8</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 766</b>

Source: CDOT Region Staff, unless otherwise noted)

**Note:** Variances in project cost and timing is expected as construction cost estimates, schedules, and expenditure forecasts are refined





# Financing Considerations

Staff reviewed available financing vehicles to address the funding gap and determined that a long-term revenue bond issuance is the most advantageous option based on the following benefits:

- Lower annual debt service provides the most flexibility to deliver additional projects on a 10-year horizon
- Due to inflation, funding available over the short-term is expected to have more buying power than funding available over the long-term
- Interest rates on shorter-term treasuries are currently rising above longer-term treasuries, making a long-term issuance more attractive
- Consistency with the approach for the 2010A Build America Bonds issuance



# Additional Financing Considerations

Staff also determined issuing debt in multiple tranches and utilizing a programmatic debt issuance provides the following benefits:

- Flexibility to manage variability in project cost estimates, schedules, and expenditure forecasts
- Provides optionality as HB23-1276 is implemented
- More efficient spenddown of bond proceeds
- Flexibility to address unforeseen needs
- Bond issuances are “right-sized” for funding needs in each construction season

Based on the forecast timing of expenditures for CY2024 construction projects, the first issuance is expected to be in the range of \$150M to \$250M if these strategies are employed (UPDATED)



# BTE Financial Status Summary incl. Future Revenue Bond Issuance

## FY24-FY33 Available Revenues vs. Project Commitments by FY (\$ in Millions)

Column 1	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	Total
Revenues <sup>1</sup>	\$ 149	\$ 156	\$ 175	\$ 182	\$ 190	\$ 199	\$ 202	\$ 203	\$ 207	\$ 208	\$ 1,871
Roll Forward <sup>2</sup>	15	264	240	133	38	61	145	233	329	428	\$ 1,886
Non-Project Expenses <sup>3</sup>	(51.0)	(52.0)	(65.0)	(65.0)	(66.0)	(70.0)	(69.0)	(70.0)	(70.0)	(70.0)	\$ (648)
<b>10-Year Plan Project Financing</b>	<b>250</b>	<b>100</b>	<b>100</b>		-	-		-	-	-	<b>\$ 450</b>
<b>New Debt Service</b>	<b>(8)</b>	<b>(20)</b>	<b>(27)</b>	<b>(29)</b>	<b>(29)</b>	<b>(29)</b>	<b>(29)</b>	<b>(29)</b>	<b>(29)</b>	<b>(29)</b>	<b>\$ (260)</b>
10-Year Plan Projects <sup>4</sup>	(47)	(181)	(278)	(181)	(64)	(7)	(8)	-	-	-	\$ (766)
Other Projects <sup>5</sup>	(44)	(27)	(12)	(2)	(8)	(8)	(8)	(8)	(8)	(8)	\$ (133)
<b>Cumulative Capacity/Deficit</b>	<b>\$ 264</b>	<b>\$ 240</b>	<b>\$ 133</b>	<b>\$ 38</b>	<b>\$ 61</b>	<b>\$ 145</b>	<b>\$ 233</b>	<b>\$ 329</b>	<b>\$ 428</b>	<b>\$ 529</b>	

### Analysis Assumptions:

- Three revenue bond issuances of \$250M, \$100M, and \$100M in FY24, FY25, and FY26 respectively
- Level debt service payment structure
- Maximization of available BTE pay-as-you-go revenues for 10-year plan projects
- Small residual budget maintained for additional safety critical bridge projects or other unforeseen needs



# *Debt Service Considerations*





# Debt Service Considerations

BTE has the ability to structure the Series 2024 Bonds to meet ongoing pay-go needs with future debt service costs

- **Level debt service structure** (equal annual debt service payments over the life of the Bonds)
  - Lower total repayment cost
  - Reduced annual revenues for pay-go in near term
- **Wrapped structure around existing debt service** (deferred principal payments for the Series 2024 Bonds to achieve aggregate level payments with existing bonds)
  - Higher total repayment cost
  - Increased near term revenue for pay-go at the expense of future pay-go revenues



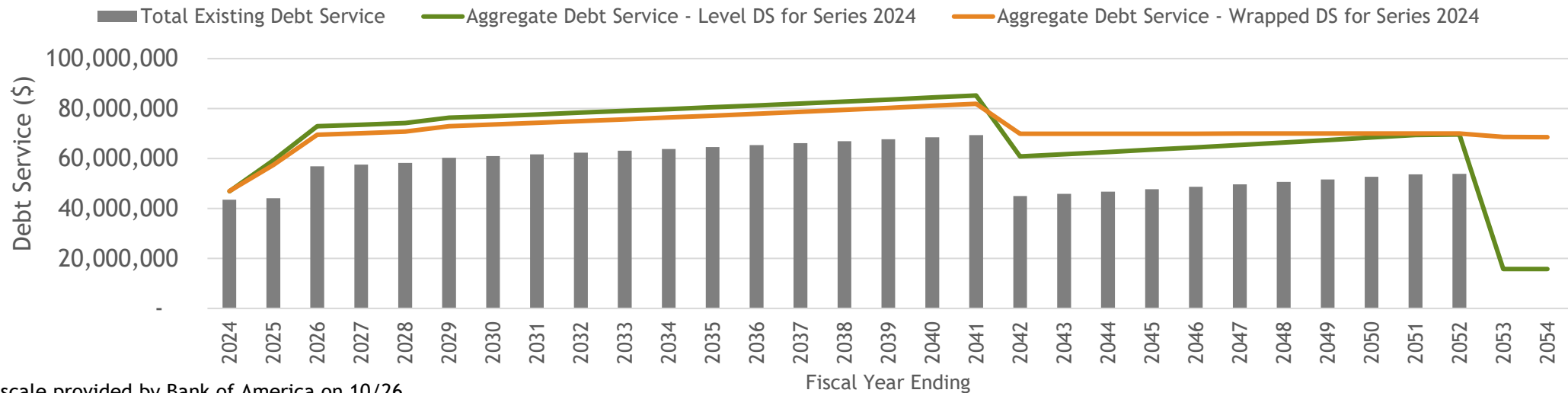


# Revenue Bond Financing Options Under Current Market Conditions

1. Level Debt Service
  - Equal annual payments
  - Lower total repayment
2. Wrapped or Deferred Debt Service
  - Reduces near-term debt service, more revenues available for pay-go
  - Higher total repayment

Project Financing Options Summary*		
	Level DS	Wrapped DS
Par	246,640,000	252,115,000
Project Fund	250,000,000	250,000,000
Final Term	12/1/2053	12/1/2053
True Interest Cost	4.85%	5.03%
Total Interest	232,665,056	326,777,222
Total Debt Service	479,305,056	578,892,222
Average Annual Debt Service	16,096,065	19,440,410

Aggregate Debt Service Comparison for Series 2024 Issuance

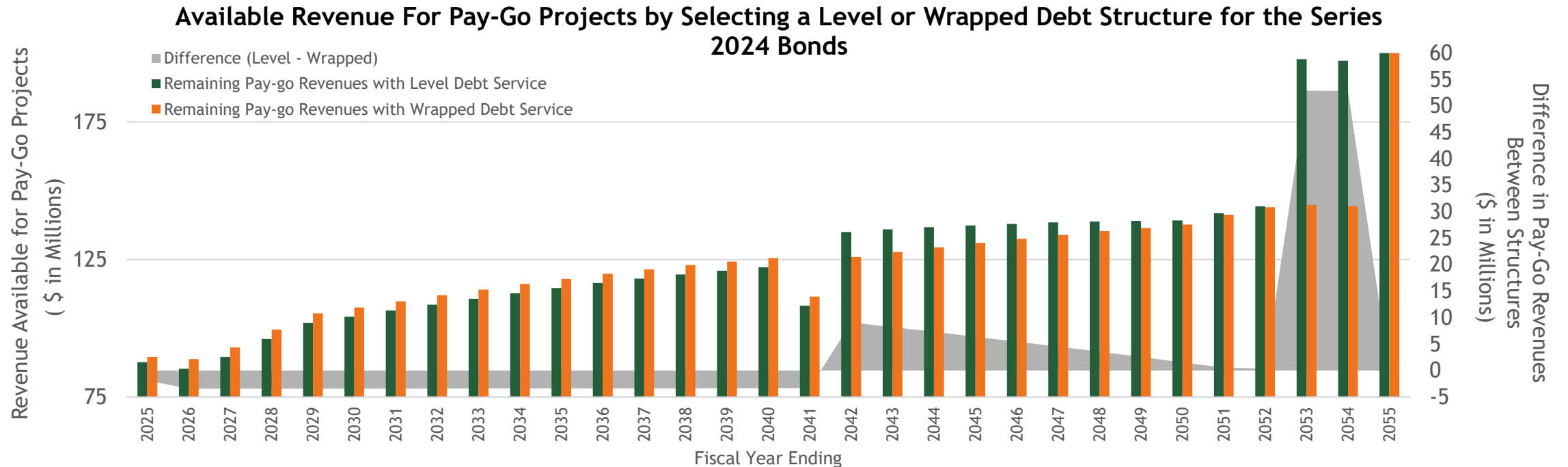


\* Based on scale provided by Bank of America on 10/26



# Annual Pay-go Revenues Available for Additional Projects

- By selecting a level debt service structure, BTE is able to keep an additional \$99.5 million available for pay-go projects over the life of the bonds (based on current market projections for the proposed Series 2024 issuance)
- Utilizing a level debt structure does reduce near-term pay-go revenues from FYE 2025-2041, with more revenues available from FYE 2042 onward





# *Future Documents for BTE Board Review*





# Future Documents for BTE Board Review

- Draft Parameters Resolution will be presented in December, with Board approval requested in January
- In addition to the parameters, the Board will review the official statement, bond resolution, and bond indenture





# Parameters Resolution

**Parameters Resolution:** Board approval of the issuance of the Bonds so long as certain financing conditions are met

## What will be approved?

### Not to exceed par amount

- Maximum amount that can be issued by BTE

### Not to exceed total repayment cost

- Maximum principal + interest paid over the life of the bonds

### Not to exceed annual repayment cost

- Maximum principal + interest paid in a single year

### Not to exceed interest rate

- Maximum interest rate that can be issued by BTE

### Not to extend beyond final maturity date

- Date the bonds must be fully paid by
- Does not limit refunding opportunities



# Other Financing Documents for BTE Board Review

**Preliminary Official Statement:** disclosure document released 7 to 10 days prior to the sale of the Bonds. The POS contains preliminary information on the terms and conditions of the bond sale including the purpose, security features, and discloses economic, financial and legal information on CDOT/BTE applicable to the issue.

**Bond Resolution:** The formal authorization to issue the Bonds, adopted by the transportation commission. Gives authority to selected officials of CDOT/BTE to execute any documents, such as the Bond Purchase Agreement

**Bond Indenture:** Contract between CDOT/BTE and the Trustee (Zion's Bank) where certain revenues are pledged as repayment of the Bonds, establishing the trust estate (security for repayment).



# *Indenture Considerations*





# Indenture Considerations

- BTE has two liens under the existing indenture
  - Series 2010 and Series 2019 Revenue Bonds
  - Central 70 Note
- Existing liens have different covenants, which could limit future bond capacity
- Create a new working lien for future bonding needs with flexible covenants and option to include additional revenues





# Terminology

**Additional Bonds Test:** Determines bonds which may be issued in the future under the same Master Indenture, Bond Resolution/Ordinance, and related documentation upon meeting certain conditions designed to ensure that the revenues are available to repay the original Bonds any currently outstanding Bonds

**Maximum Annual Debt Service (“MADS”):** Maximum amount of principal and interest required to be paid on an issue of Bonds annually over the life of the Bonds.

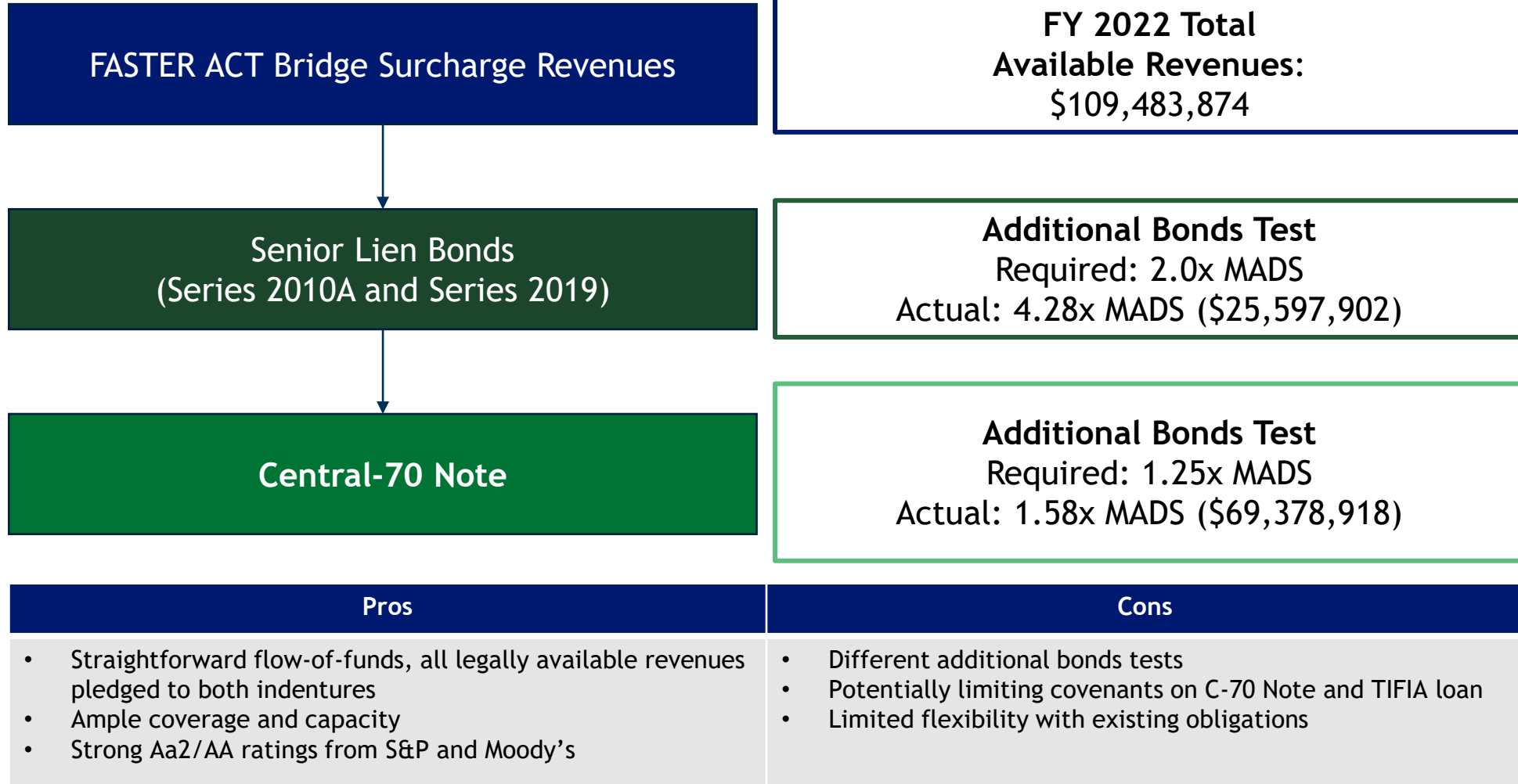
- Can also refer to aggregate principal and interest payments across multiple issuances

**Debt-Service Coverage Ratio (“DSCR”):** Shows investors and lenders whether an entity has enough income to pay its debts. The ratio is calculated by dividing net revenues by debt service, including principal and interest.

Additional bond terminology can be found here: <https://www.nabl.org/bond-basics/>

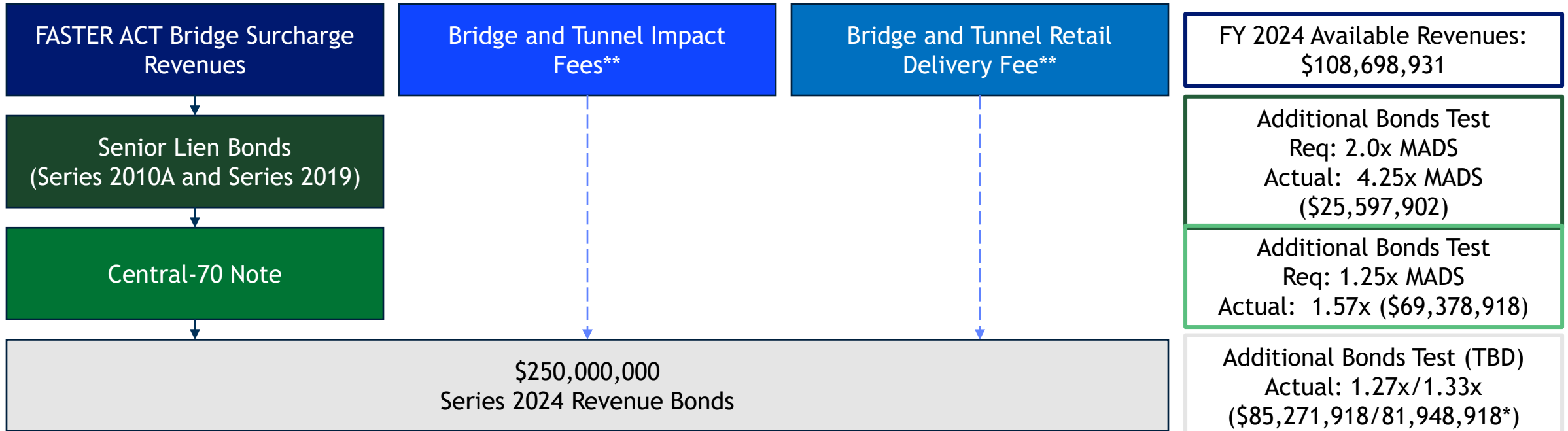


# Summary of Outstanding Obligations: Current Indenture





# Considerations for Anticipated Financings: Create New BTE Working Lien



Pros	Cons
<ul style="list-style-type: none"> <li>Eliminates all existing bond covenants</li> <li>Opportunity for 'fresh start'</li> <li>All remaining revenues from existing liens and new fee revenues available for debt service</li> <li>Common structure for other transportation issuers (i.e. DOT's, Transit, Airports)</li> </ul>	<ul style="list-style-type: none"> <li>Adds additional complexity to flow-of-funds</li> <li>Potential for rating impact</li> </ul>

\* MADS for Level/Wrapped Debt Service for Series 2024

\*\* Pending resolution of outstanding litigation/board approval of pledging additional revenues





# Prospective Timing and Key Steps for the Series 2024 Bonds

- As BTE and CDOT continue to evaluate financing options and funding timing needs for the Series 2024 Bonds, the timeline below outlines the key steps and general timing for the issuance. Events involving the Board have been bolded and underlined

November	December	January	February	March
<ul style="list-style-type: none"> <li>1<sup>st</sup> draft of POS and financing documents distributed</li> <li>Document review</li> <li><b><u>Briefing at November workshop</u></b></li> </ul>	<ul style="list-style-type: none"> <li>2<sup>nd</sup> draft of POS and financing documents distributed</li> <li>Rating packets distributed to agencies</li> <li><b><u>Briefing at December workshop</u></b></li> <li>Rating calls</li> </ul>	<ul style="list-style-type: none"> <li>Ratings received</li> <li><b><u>BTE Board adopts parameters resolution and approve financing documents</u></b></li> <li>Underwriter's due diligence call</li> <li>Post POS and investor presentation</li> </ul>	<ul style="list-style-type: none"> <li>Pricing (expected February 6<sup>th</sup>)</li> <li>Final official statement posted</li> <li>Closing (expected February 21<sup>st</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>Funds needed for construction</li> </ul>



**COLORADO**

**Department of Transportation**

# Questions or comments?



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# COLORADO

## Department of Transportation

Office of Policy and Government Relations

2829 W. Howard Place  
Denver, CO 80204-2305

**DATE:** October 15, 2023  
**TO:** Transportation Commission  
**FROM:** Herman Stockinger, Deputy Director  
**SUBJECT:** HB 23-1101 TPR Study

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### Purpose

To submit the final report to the Transportation Commission of the TPR Study pursuant to the provisions of HB 23-1101.

### Action

Informational only. CDOT staff plans to ask the Transportation Commission to open the Planning Rules in January.

### Background

On April 28, 2023, Governor Polis signed [House Bill 23-1101](#), the Ozone Season Transit Grant Program Flexibility bill, into law. The bill's focus was to allow state transportation agencies to have more flexibility when using ozone season transit grants. Section 3 of the bill requires the Colorado Department of Transportation (CDOT or Department) to analyze the consistency and transparency of the transportation planning process across Transportation Planning Regions (TPRs) in a study and provide recommendations for possible changes to the Transportation Commission (Commission or TC) on or before November 30, 2023.

The study requires review of the membership of the State Transportation Advisory Committee (STAC) and the special interim Transit and Rail Advisory Committee (TRAC), and analysis of the Transportation Planning Region (TPR) boundaries. The study must include consideration of specified analysis criteria as provided for in statute and shall not include any recommendation that, if adopted, would reduce the number of rural TPRs. The analysis criteria list, not in priority order, includes:

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

In addition to an analysis of the TPR boundaries, the Department must include a 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

This legislation directs the Transportation Commission to then review the study and open the rules governing the TPR boundaries, [2 CCR 601-22](#). It does not mandate that the Commission adopt the Department's recommendations.

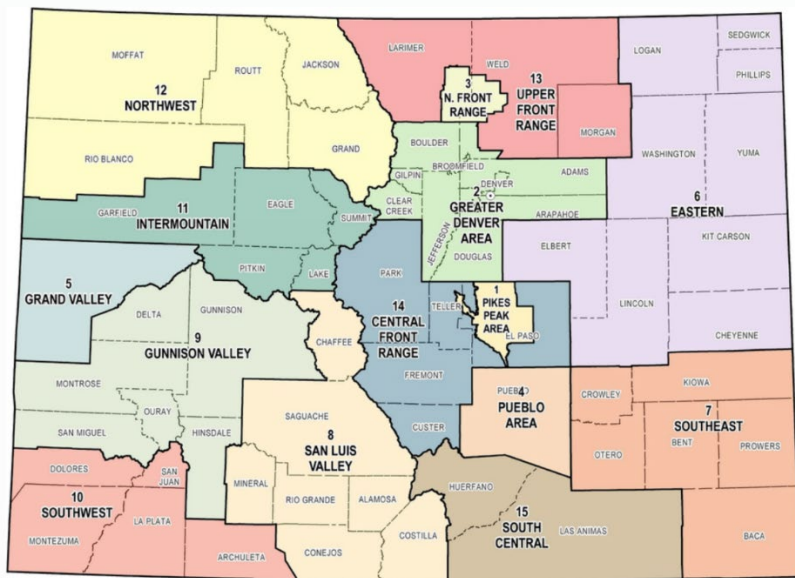


The report is organized into seven chapters. Chapter One provides a summary of House Bill 23-1101 and the study requirements. Chapter Two explains the history of the transportation planning process in Colorado, including the TPR boundaries, roles of planning organizations, and the role of the Rules. Chapter Three describes and summarizes each Transportation Planning Region in Colorado. Chapter Four details the process CDOT followed in conducting the study. Chapter Five highlights the public outreach process CDOT used to gain valuable feedback from a wide variety of stakeholders. Chapter Six includes the study findings and recommendations. Finally, Chapter Seven explains the next steps to comply with the legislative requirements. These include a requirement for the Transportation Commission to “open” the Rules by June 30, 2024; the substance of the required rulemaking is fully within the Transportation Commission’s purview and authority.

### History of Transportation Planning Regions and Metropolitan Planning Organizations

TPRs were formed to assist in the statewide planning process. Each TPR is responsible for preparing a long range Regional Transportation Plan (RTP) to identify goals and future needs for their communities. They were established in 1992 after the Colorado General Assembly enacted legislation in 1991 that directed CDOT to provide strategic statewide transportation planning. The term TPR is inclusive of these types: non-MPO TPRs, MPO TPRs, and TPRs with both MPO and non-MPO areas. The 10 rural TPRs in Colorado include the Central Front Range, Eastern, Gunnison Valley, Intermountain, Northwest, San Luis Valley, South Central, Southeast, Southwest, and Upper Front Range. The 5 rural MPOs in Colorado include the Denver Regional Council of Governments, Grand Valley MPO, North Front Range MPO, Pikes Peak Area Council of Governments, and the Pueblo Area Council of Governments.

### Colorado’s 15 TPRs



### Mapping/Data Process

Several datasets were collected to assess the factors outlined in HB 23-1101. This data was summarized, visualized, and analyzed in both tabular and map form. A web mapping tool was developed to dynamically visualize the data associated with each criterion. The web mapping tool allows users to turn data layers on and off, zoom into areas of interest, and investigate underlying details associated with each dataset. This tool was valuable in helping project team members and stakeholders visualize the bill’s criteria in an interactive geospatial environment and better understand the interplay between each dataset. Static maps were also produced to illustrate each dataset. These maps were distributed to stakeholders and included in stakeholder and public presentations.

### TPR Governance Analysis



Part of the study involved analyzing the governing documents and structures within TPRs to make sure all TPRs are following state regulations and guidelines. It was important for staff to analyze the governing documents to make sure TPRs are following best practices and develop recommendations to help amplify the current governance structures of the TPRs rather than just creating a “one size fits all” model as the TPRs are all different and have different needs. Staff analyzed the existence and availability of governing documents and their accessibility to a member of the public seeking to become knowledgeable about regional transportation planning.

### **TPR Outreach**

Over a seven-month period from April 2023 to November 2023, CDOT staff traveled over 7,000 miles across Colorado to participate in every rural TPR meeting and many MPO meetings to give updates and receive stakeholder and public comments. Staff attended meetings in person when possible and joined some meetings virtually. These meetings generated important conversations regarding the priorities of each TPR and MPO as well as their concerns about possible changes to the TPR boundaries.

### **Public Meetings**

During the end of July and early August, CDOT conducted five virtual public meetings, one for each of the CDOT engineering regions. Over 200 people registered for the meetings and 149 people attended at least one meeting. CDOT used the public meetings to share initial observations regarding each TPR based on the analysis criteria required in statute, including observations related to boundaries and the governance of the TPRs.

### **Public Survey**

CDOT staff conducted a survey from mid-July until August 31st to get more information on how TPRs are being governed. The feedback included ways to improve public participation within TPRs and how CDOT can better represent TPR needs. There were over 900 respondents to the survey from all over Colorado, from various backgrounds.

### **Staff Recommendations**

CDOT developed 23 staff recommendations resulting from this study, and they have been grouped into four categories:

#### **1. Recommendations for CDOT Staff**

The first set of recommendations are improvements that should be made by CDOT staff, and result from a combination of public survey results, TPR administrator survey results, and many conversations with stakeholders.

- a. An improved TPR-related website to better enable the public to find information about all TPRs in the state.
- b. Increased outreach to elected officials, especially newly elected, to make sure they have the background and understanding of CDOT as an organization and the role of TPRs and MPOs.
- c. Organize annual or biannual meetings for all of the TPR administrators to discuss processes and share best practices for TPR management.
- d. Consider whether current funding to TPRs is adequate and make necessary adjustments if needed.

#### **2. STAC and TRAC Recommendations**

The second set of recommendations relate directly to the requirement from the legislature to study the membership of both the STAC and the Special Interim Transit and Rail Advisory Committee (TRAC). In doing so, CDOT staff considered a number of recommendations related to participation by elected officials at both the TPR level and the STAC level.

- a. Establish term limits for STAC Chairs and Vice-Chairs. Up to two consecutive terms of two years each, with details worked out by STAC via an update to their bylaws.

- b. Rotate Chairs/Vice-Chairs between rural TPRs and urban TPRs, ensuring STAC leadership always has both a rural and urban voice, with details worked out by STAC via an update to their bylaws.
- c. Add the Chair of the Transit and Rail Advisory Committee (TRAC) to STAC as a non-voting member.
- d. Encourage multiple TPRs whose members have overlapping political jurisdictions to adopt governing documents to disallow a single political jurisdiction from representing two TPRs on STAC at any given time.

### 3. TPR Governance Recommendations

One of the early efforts for the study was gathering each TPR's governing documents. Some TPRs update their bylaws every year, while others have IGAs or bylaws that have not been updated in thirty years. Still others have never adopted bylaws. Overall, TPRs manage their organizations well, but with the change in leadership and administration, sometimes governing documents are lost or not updated in a timely manner.

TPR governing documents need to follow statutory requirements and best practices for public bodies. To ensure TPRs understand and incorporate these requirements, the Transportation Commission should require the TPRs' governing documents and processes include the following information:

- a. Who: The name of the organization, and the members.
- b. What: The duties of the organization, ability to spend and receive funds, ability to sue and be sued, and enter into contracts.
- c. Ability to terminate and amend.
- d. When/Where: Overview of general meeting cadence and locations.
- e. Officers, Elections of Officers, Length of term of Officers.
- f. Quorum & Voting structure (if not simple majority).
- g. Ensures all meetings are open to the public and will be publicly noticed.
- h. Agendas and meeting minutes are available and accessible to the public.
- i. Meetings allow time for public comment on the agenda.
- j. Identifies how the TPR's STAC representative is chosen.
- k. Provides for how the TPR is to be administered.
- l. Includes a Conflict of Interest Statement.
- m. Ensures TPR information can be found on the internet.

### 4. TPR Boundary Recommendations

CDOT staff have two related recommendations for boundary changes, and they are focused primarily on representation at STAC. Staff analyzed statewide and regional data covering the various statutory requirements and solicited and received public comments as part of the effort. Formal support or opposition to proposed boundary changes have been recorded by CDOT and are included in this study.

- a. Combine SETPR and SCTPR into one new TPR.

- b. Divide the Intermountain TPR in two TPRs. The West IMTPR would include Garfield, Pitkin, and the SW portion of Eagle County. The East IMTPR would include Summit, Lake, and the bulk of Eagle County.

### **Next Steps**

Now that CDOT has completed the required study, the Transportation Commission can review this report and consider the recommendations. The rulemaking process is expected to kick off in January 2024, with the Department requesting the Transportation Commission open the Planning Rules. The process will include formal public hearings and is expected to conclude by July 2024.

### **Attachments**

Attachment A: Presentation

Attachment B: Final Report



**COLORADO**  
Department of Transportation

# HB23-1101 TPR Study: Recommendations

Transportation Commission Meeting

Page 83 of 242

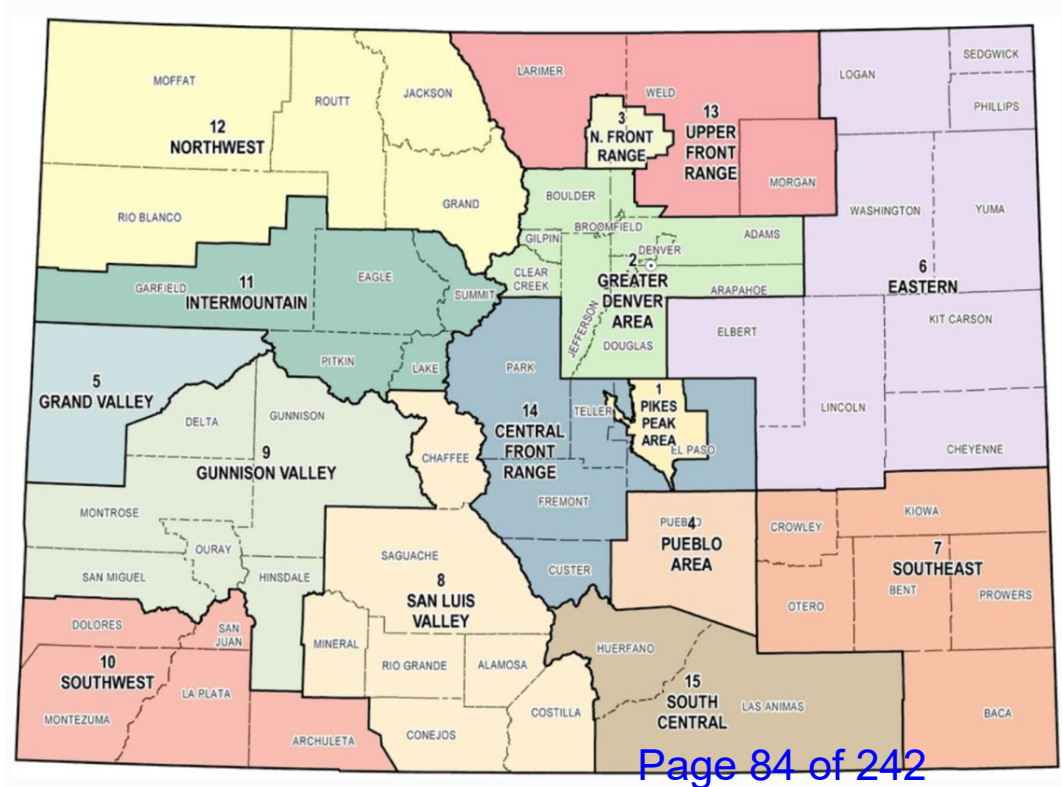
November 16, 2023





# Agenda

1. HB23-1101 Refresher
2. TPR Study Process
3. Recommendations
4. Statewide Maps and Other Resources





# What Is the TPR Study?

The legislative requirement for a TPR study was introduced through amendments to HB 23-1101, the Ozone Season Transit Grant Program.

- While Transportation Commission Rule 2 CCR 601-22 requires TPR boundaries to be reviewed at the beginning of each state planning cycle, they have not been meaningfully analyzed since 1993, and Colorado has changed significantly over those thirty years.
- With recent increased responsibility for TPRs- they now distribute state MMOF funds- ensuring their approach to planning is consistent and transparent is an important priority.



# HB23-1101 TPR Study Provision Language

On or before November 30, 2023, the Department shall complete a Study and Study Report of:

- The Consistency and Transparency of the Transportation Planning Process Across the TPRs
- The boundaries of the Transportation Planning Regions (TPRs)
- Membership of the State Transportation Advisory Committee (STAC)
- Membership of the Special Interim Transit And Rail Advisory Committee (TRAC)

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

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. These numbers will remain the same.

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. **The Transportation Commission, not CDOT, has the authority to change TPR Boundaries, and they are not required to do so.**



# Statutory Requirements

## Factors for consideration identified in legislation:

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





# Transportation Planning and TPRs

Colorado law requires the state to develop a twenty-year comprehensive statewide transportation plan that incorporates regional transportation plans from around the state.

- To provide a geographic structure for planning processes, statute creates “Transportation Planning Regions” and assigns responsibility to the State Transportation Commission to set TPR boundaries in rule ([C.R.S. § 43-1-1103](#)).
- State statute also sets the maximum number of such regions at fifteen unless additional metropolitan planning regions are designated within the state ([C.R.S. § 43-1-1102\(8\)](#)).
- Regional Planning Commissions (RPC) are formed among the local governments within each TPR. The RPC conducts the transportation planning process within their TPR and develop a Regional Transportation Plan according to the planning requirements under Title 43.



# TPR Responsibilities

The following tasks describe responsibilities of a TPR Regional Planning Commission (RPC) pursuant to [C.R.S. § 43-1-1101](#), and Rules and Regulations for the Statewide Transportation Planning Process and the Transportation Planning Regions, [2 CCR 601 -22](#) (The Rules).

Statutory Responsibilities Include:

- Development of a Regional Transportation Plan (RTP).
- In cooperation with the state and other governmental agencies, carrying out necessary “continuing, cooperative and comprehensive transportation planning.”
- Participation in the Statewide Transportation Advisory Committee (STAC).
- Selecting projects under the Multimodal & Mitigation Options Fund (MMOF) (new responsibility).

Responsibilities Detailed in [Transportation Commission Rule](#) Include:

- Working with CDOT on development of the Statewide Transportation Plan, incorporation of RTPs into the Statewide Transportation Plan, and inclusion of projects into the STIP.
- RPC planning officials shall work with all Planning Partners affected by transportation activities when planning future transportation activities.

Other Responsibilities Include:

- Advising CDOT on transportation priorities and needs within their TPR.



# What is an MPO?

A Metropolitan Planning Organization, known as an MPO, is the policy board of an organization created and designated to carry out the federal metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000 ([23 U.S. Code § 134 - Metropolitan transportation planning](#)).

- An MPO is made up of representatives from local government and transportation authorities within its designated Metropolitan Planning Area (MPA).
- It is the MPO's responsibility to plan, program, and coordinate federal transportation funds.
- According to the Code of Federal Regulations, [CFR 450.310](#), an MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city) or in accordance with procedures established by applicable State or local law.



# Statewide Transportation Advisory Committee

The Colorado Legislature created the [Statewide Transportation Advisory Committee \(STAC\)](#) in [§43-1-1104 \(1\)\(a\)](#) to provide advice to both CDOT and the Transportation Commission on the needs of the transportation system in Colorado.

- STAC is comprised of one representative from each TPR, one representative of the Southern Ute tribe, and one representative of the Ute Mountain Ute tribe.
- The Statewide Transportation Advisory Committee advises on the needs of the transportation systems in Colorado, including but not limited to:
  - Budgets
  - State and regional transportation improvement programs
  - State and regions transportation plans
  - State transportation policies





# STAC Member Duties

A STAC representative's duties include, but are not limited to:

- Attend monthly STAC meetings, as well as other official STAC events
- Serving as the communication liaison between the Department, the STAC and the members of the TPR.
- Providing advice to the Department on the needs of the transportation system.
- Reviewing and commenting on updates and amendments to the Regional and Statewide Transportation Plans.
- Providing assistance in resolving transportation related conflicts which arise between TPRs, or between the Department and a TPR.
- Making recommendations to the Department concerning the integration and consolidation of Regional Transportation Plans (RTPs) into the Statewide Transportation Plan.
- Furnishing regional perspectives on transportation problems requiring statewide solutions.
- Providing advice and comment on TPR boundaries.



# Transit and Rail Advisory Committee (TRAC)

The Colorado Legislature created the Transit and Rail Advisory Committee (TRAC) to advise the CDOT Division of Transit and Rail (DTR) and on the needs of the transportation system in Colorado.

## [§43-1-1104 \(1\)\(b\)](#)

- The Committee is comprised of 17 members appointed by the CDOT Executive Director, with representatives from public and private transit providers, Class I and Shortline railroads, interest groups, transportation planning regions, counties, cities and the general public.
- The TRAC works with DTR staff to develop and promote the CDOT's vision, policies, and priorities for transit and rail services in Colorado.
- The focus points of TRAC include accessibility, mobility, safety, economic development, environmental and resource conservation, efficiency, and system preservation and expansion.
- The TRAC holds a meeting every other month, the first Thursday of the month beginning at 1:00 or 1:30 pm and their agendas are posted online.



# Study Steps

## May-June

- Created a mapping tool and gathered data related to our data analysis requirement.
- Gathered and began analyzing governance documents (IGAs & Bylaws) of the TPRs.
- Created an Advisory Committee to share our ideas and observations.

## July

- Created a survey that went out to over 5,000 individuals to ask questions about TPRs and the regional planning process
- Began generating “Observations” based on the data gathering effort.

## August-September

- Held five virtual public meetings (one in each CDOT Region) in early August to explain the TPR study requirements and share our observations related to each TPRs governance documents and boundaries.
- Late August- began honing in on Observations that could be “Considerations” for change- some of which would lead to our current Draft Recommendations.
- Outreach to individuals and organizations with potential recommendations began in late August.

## Throughout

- Attended all rural TPR meeting since mid-April (over 7,000 miles logged).
- Attended some MPO meetings.
- Updated STAC each month on progress, including “Considerations” and “Draft Recommendations” in September and October.



# Study Steps Continued

## October

- Formatted survey results from the Public and TPR Administrator surveys into information that informed us on draft recommendations.
- Met with TPR's that were being considered for TPR boundary changes and considered public feedback to help inform our final recommendations.

## November

- Early November: Finished the Draft TPR Study Report, sharing a few chapters with the Advisory Committee for their review and feedback.
- Provided each of the 23 recommendations to STAC for them to vote on.
- Mid-November: Provide final report to the Transportation Commission and Workshop the recommendations with them.

## January

- Ask the TC to open the Planning Rules.
- Rule review and adoption takes between 4-6 months.





# Public and TPR Administrator Surveys

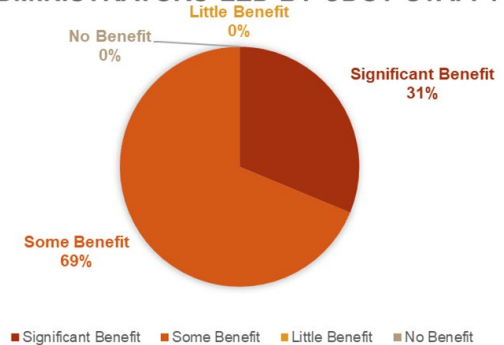
## Public Survey:

- CDOT staff conducted a survey from mid-July until August 31st to get more information on how TPRs are being governed.
- There were over 900 respondents to the survey from all over Colorado, from various backgrounds.
  - 61% identified as concerned individuals
  - 15% were local government staff which included council of government staff
  - 12% were elected officials
  - 4% were from non profit or community organizations
  - 3% represented transit agencies
  - 5% answered “other”.
- Results of the survey are included in Chapter 5 of the report.

## TPR Administrator Survey:

- CDOT staff also created a survey specifically for TPR administrators to gain a better understanding of how TPRs are administered and what CDOT can do to improve their support for TPRs.
- Results of the survey are included in Chapter 5 of the report.

HOW MUCH VALUE DO YOU THINK COULD COME FROM AN ANNUAL OR SEMI-ANNUAL MEETING OF ALL TPR ADMINISTRATORS LED BY CDOT STAFF?





# Staff Recommendations





# Recommendations for CDOT Staff

## 1. Recommendation for CDOT improvements

- a. An improved TPR-related website to better enable the public to find information about all TPRs in the state.
- b. Increased outreach to elected officials, especially newly elected, to make sure they have the background and understanding of CDOT as an organization and the role of TPRs and MPOs.
- c. Organize annual or biannual meetings for all of the TPR administrators to discuss processes and share best practices for TPR management.
- d. Consider whether current funding to TPRs is adequate and make necessary adjustments if needed.

*\*Note: STAC voted to support these recommendations, and public comment has been supportive as well.\**



# Recommendations for STAC and TRAC

## 2. Recommendations for STAC and TRAC

- a. Establish term limits for STAC Chairs and Vice-Chairs. Up to two consecutive terms of two years each, with details worked out by STAC via an update to their bylaws.
- b. Rotate Chairs/Vice-Chairs between rural TPRs and urban TPRs, ensuring STAC leadership always has both a rural and urban voice, with details worked out by STAC via an update to their bylaws.
- c. Add the Chair of the Transit and Rail Advisory Committee (TRAC) to STAC as a non-voting member.
- d. Encourage multiple TPRs whose members have overlapping political jurisdictions to adopt governing documents to disallow a single political jurisdiction from representing two TPRs on STAC at any given time.

*\*Note: STAC voted to support these recommendations, but also voted 7-6 in support of the Chair and Vice-Chair having a term limit of 3 terms over the staff recommended 2 terms. Public comment has also been supportive of these recommendations.\**





# Recommendations for TPR Governance

3. Ensure all TPRs are following statutory requirements and best practices for public bodies, including governing documents containing the following information:
  - a. Who: The name of the organization, the members
  - b. What: The duties of the organization, ability to spend and receive funds, ability to sue and be sued, enter into contracts
  - c. Ability to terminate and amend
  - d. When/Where: Overview of general meeting cadence and locations
  - e. Officers, Elections of Officers, Length of term of Officers
  - f. Quorum & Voting structure (if not simple majority)
  - g. Ensures all meetings are open to the public and will be publicly noticed
  - h. Agendas and meeting minutes are available and accessible to the public
  - i. Meetings allow time for public comment on the agenda
  - j. Identifies how STAC representative is chosen
  - k. Provides for how the TPR is to be administered
  - l. Includes a Conflict of Interest Statement
  - m. Ensure TPR information can be found on the internet

*\*Note: STAC voted to support these recommendations, and public comment has been supportive as well.*



# Staff Recommendations for new TPR Boundaries

**Per statute, only 15 TPRs can exist, 10 of which must be rural.  
As such, for a new TPR to be created another TPR must be consolidated.**

## **4. Recommendations for TPR Boundary Changes**

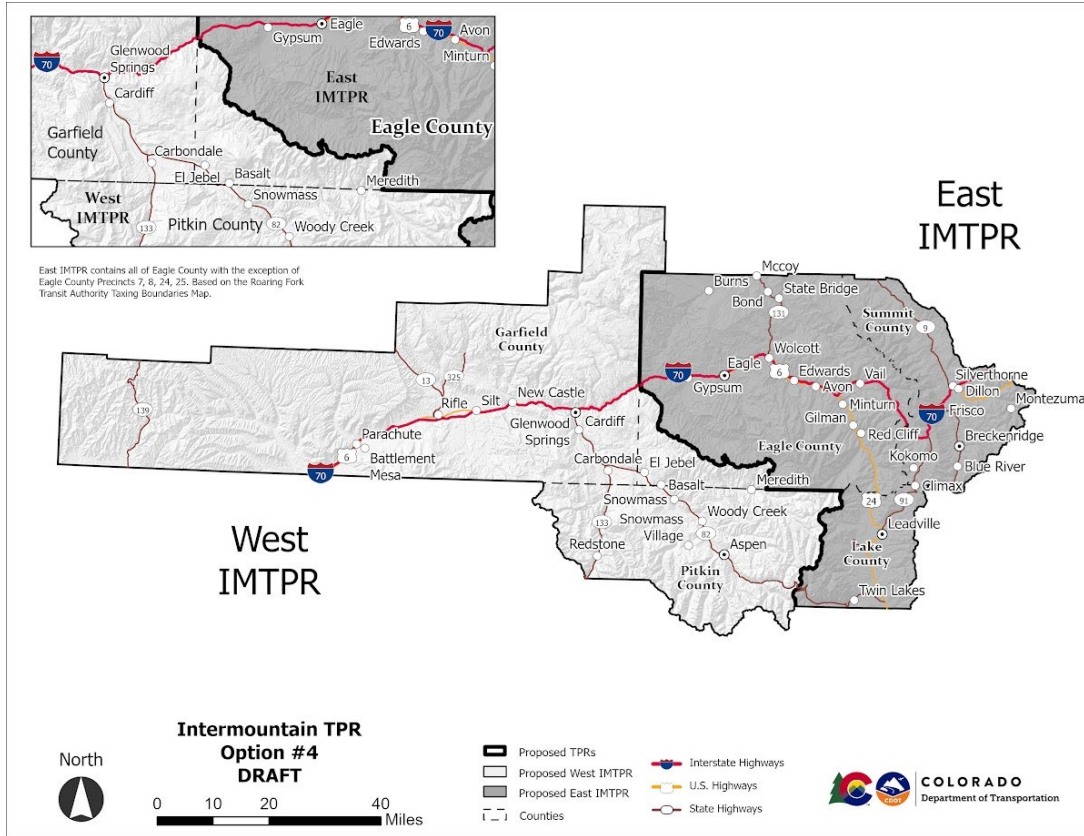
- a. Combine Southeast TPR and South Central TPR into one new TPR.
- b. Divide the Intermountain TPR into two TPRs:
  - i. West IMTPR would consist of Garfield, Pitkin, and the SW portion of Eagle County.
  - ii. East IMTPR would consist of Summit, Lake, and the bulk of Eagle County.

*\*Note: STAC voted to oppose these changes and voted in support of the TC adopting no boundary changes. SE & SC TPRs and their member governments oppose the recommendations, and the IM TPR voted 12-7 to support making no changes. However, public comment from some IM TPR members have been supportive of the change.\**

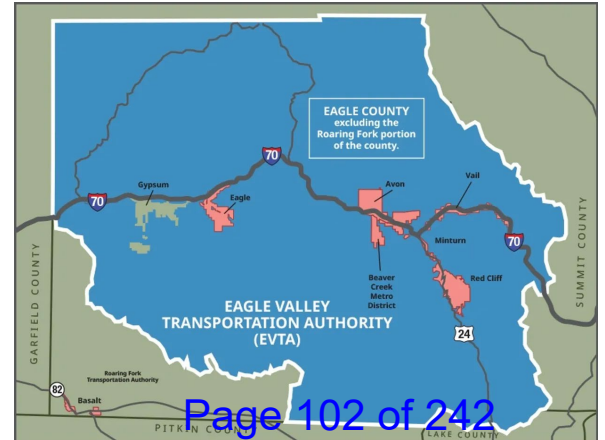


# New "West" IM TPR: Garfield, Pitkin, and parts of Eagle Counties

## New "East" IM TPR: Summit, Lake, and parts of Eagle Counties



The IM TPR has stated a preference that IF boundaries were to be changed, they would favor a change that aligns with the shared RFTA/Eagle County RTA boundaries.





# Boundary Analysis and Justification







# Boundary Analysis: Vehicle Miles Traveled (VMT)

VMT By TPR 2021	
Greater Denver Area TPR	45,091,639
Pikes Peak Area TPR	7,014,085
Intermountain TPR	6,517,755
North Front Range TPR	5,402,698
Upper Front Range TPR	4,312,785
Eastern TPR	3,929,560
Pueblo Area TPR	2,810,737
Southwest TPR	2,468,527
Gunnison Valley TPR	2,291,995
Grand Valley TPR	2,276,219
Central Front Range TPR	2,175,656
San Luis Valley TPR	2,091,261
Northwest TPR	1,859,260
South Central TPR	1,314,491
Southeast TPR	1,282,980
Total	90,839,647

- Intermountain has very high rates of travel:
  - The highest VMT of the rural TPRs
  - Has a higher VMT than NFRMPO, PACOG, GVRPC which contain urban MPOs
  - Has 50% more VMT than the next closest rural TPR.
  - Of the 10 rural TPRs, the IM TPR represents nearly 1/4 of all VMT.
  
- Southeast and South Central TPRs combined represent 9% of the total non-MPO VMT and represent the two lowest VMT totals of the 15 TPRs.





# Boundary Analysis: Truck Vehicle Miles Traveled

TVMT By TPR 2021	
Greater Denver Area TPR	2,833,580
Eastern TPR	1,010,930
Upper Front Range TPR	606,791
Intermountain TPR	587,426
Pikes Peak Area TPR	469,920
North Front Range TPR	385,324
Southeast TPR	331,596
Grand Valley TPR	253,713
Pueblo Area TPR	236,867
South Central TPR	209,521
Southwest TPR	204,615
San Luis Valley TPR	182,750
Northwest TPR	168,405
Gunnison Valley TPR	161,521
Central Front Range TPR	159,402
Total	7,802,361

- Intermountain TPR has a high volume of truck VMT due to I-70:
  - The third highest Truck VMT of the 10 rural TPRs.
  - The current IM TPR has a higher volume of truck VMT than a combined SE/SC TPR.
  
- Southeast TPR and South Central TPR also have high volumes of truck traffic:
  - SE TPR has the 4th highest of the 10 rural TPRs
  - SC TPR has the 5th highest of the 10 rural TPRs



# Boundary Analysis: Lane Miles

Lane Miles By TPR 2021	
Greater Denver Area TPR	4,434
Eastern TPR	3,287
Upper Front Range TPR	1,677
Northwest TPR	1,665
Southeast TPR	1,591
Intermountain TPR	1,520
Gunnison Valley TPR	1,507
San Luis Valley TPR	1,448
Southwest TPR	1,109
Central Front Range TPR	1,067
South Central TPR	970
Grand Valley TPR	751
Pueblo Area TPR	722
North Front Range TPR	689
Pikes Peak Area TPR	641
Total	23,079

- TPR Lane Miles is generally a reflection of the size of the TPR, with larger TPRs by land area generally having more lane miles.
- Among the 10 rural TPRs:
  - SE TPR has the 4th most lane miles
  - IM TPR has the 5th most lane miles
  - SC TPR is the 10th most lane miles (but still more than 4 of the 5 MPOs)
- Combining the SE and SC TPRs would make the new TPR the have the 2nd most lane miles (behind the Eastern TPR)
- Splitting the IM TPR into two would make cause those TPRs to have the smallest of the 10 rural TPRs (but like SC TPR currently, would be larger than four of the five MPOs).



# Boundary Analysis: 2021 Population

Population by TPR 2021 Data	
Greater Denver Area TPR	3,299,015
Pikes Peak Area TPR	713,984
North Front Range TPR	518,412
Intermountain TPR	172,844
Pueblo Area TPR	167,453
Grand Valley TPR	154,685
Upper Front Range TPR	110,632
Central Front Range TPR	104,470
Gunnison Valley TPR	104,104
Southwest TPR	97,842
Eastern TPR	83,788
San Luis Valley TPR	65,548
Northwest TPR	61,638
Southeast TPR	47,443
South Central TPR	21,318
Total	5,723,176

- Intermountain TPR’s 2021 Population:
  - Has the highest population of any rural TPR.
  - Includes 60% more people than the next largest rural TPR.
  - Represents more people than even the Grand Valley and Pueblo MPOs.
  - Of the ten rural TPRs, IM contains 20% of the rural population total.
- SE and SC TPRs are the two smallest TPRs:
  - Together represent 8% of the total population of the 10 rural TPRs.
- The West IMPTR and new East IMTPR would each each more people than a combined SE/SC TPR



# Boundary Analysis: 1990 Population

Population by TPR 1990 Data	
Greater Denver Area TPR	1,864,986
Pikes Peak Area TPR	397,014
North Front Range TPR	239,729
Pueblo Area TPR	122,878
Upper Front Range TPR	101,354
Grand Valley TPR	93,145
Intermountain TPR	79,243
Gunnison Valley TPR	62,321
Eastern TPR	61,924
Southwest TPR	58,794
Central Front Range TPR	55,160
San Luis Valley TPR	52,950
Southeast TPR	48,617
Northwest TPR	41,190
South Central TPR	19,776

- The Intermountain TPR has gained 93,601 people since 1990:
  - IM TPR population has more than doubled since TPRs were established.
  - This is a far greater population gain compared to any other rural TPR over the same time period.
- The SE and SC TPRs have not grown:
  - The SE and SC TPRs together gained a total of 368 people over the same time period.
  - The SE TPR lost population overall since 1990.



# Boundary Analysis: 2050 Population Projections

- Intermountain TPR will continue to grow significantly.

### Population by TPR 2021 Data

Intermountain TPR	172,844
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### Population by TPR 2050 Data

Intermountain TPR	239,506
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- Both SE and SC are projected to lose population, making the disparity greater over time.

### Population by TPR 2021 Data

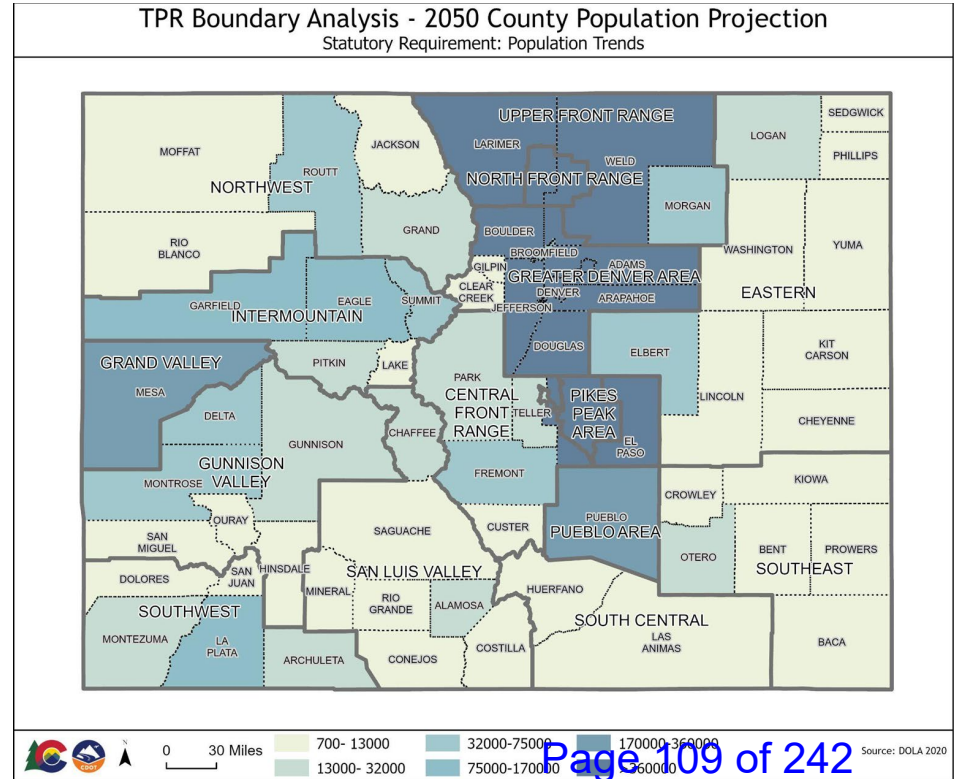
Southeast TPR	47,443
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South Central TPR	21,318
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### Population by TPR 2050 Data

Southeast TPR	40,510
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South Central TPR	16,135
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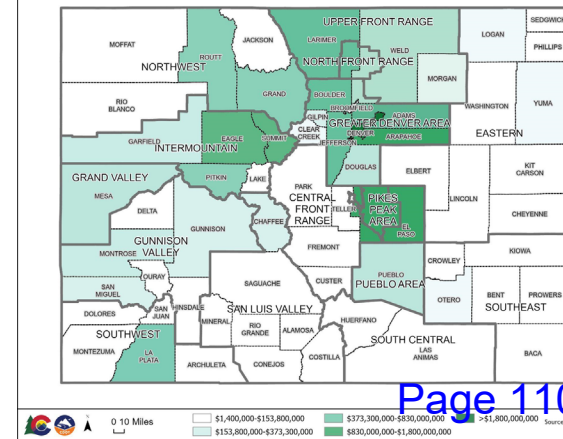


# Boundary Analysis: Tourism Direct Travel Spending

Direct Travel Spending Per TPR	
Greater Denver Area TPR	\$10,735,799,999
Intermountain TPR	\$4,186,100,000
Central Front Range TPR	\$2,103,100,000
Pikes Peak Area TPR	\$1,953,800,000
Upper Front Range TPR	\$1,208,600,000
Northwest TPR	\$1,202,300,000
North Front Range TPR	\$1,153,000,000
Gunnison Valley TPR	\$1,060,800,000
Southwest TPR	\$850,500,000
San Luis Valley TPR	\$360,100,000
Grand Valley TPR	\$332,400,000
Eastern TPR	\$287,400,000
Pueblo Area TPR	\$267,500,000
Southeast TPR	\$69,600,000
South Central TPR	\$64,900,000
<b>Total</b>	<b>\$22,407,299,999</b>

- Tourism is a key industry on the west slope and in Eagle and Summit Counties in particular.
  - The tourism data supports the VMT levels we see in the IM TPR.
- The level of tourism activity along the I-70 corridor could support the idea that additional STAC representation in the area is appropriate.

TPR Boundary Analysis - County Level Tourism Statistics (Direct Travel Spending)  
Statutory Requirement: Tourism Impacts





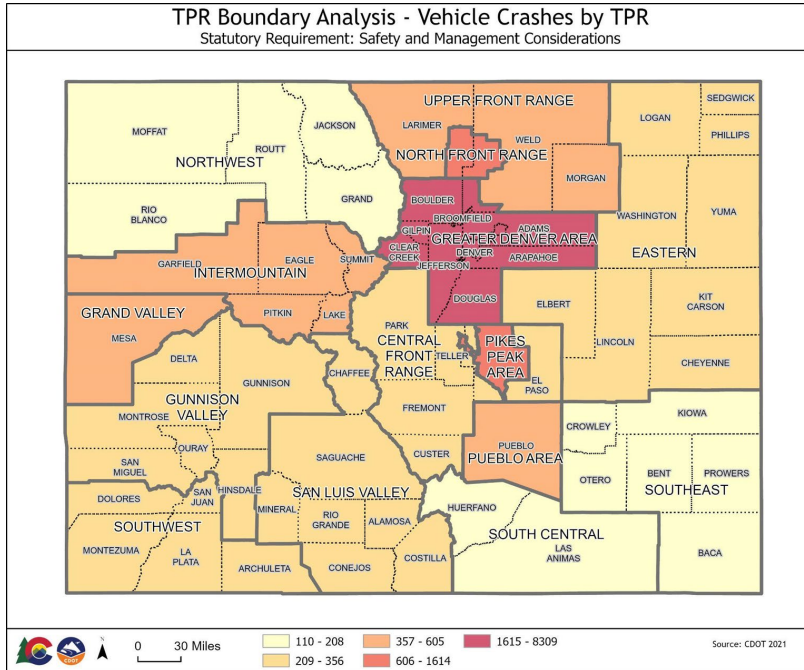
# Boundary Analysis: Vehicle Crashes and Fatalities

➤ Intermountain TPR has the largest number of crashes of the ten rural TPRs:

- IM has the 5th highest crash rate
- IM has the 6th highest number of fatalities

➤ SE and SC, if combined, would still have the lowest number of crashes of all the TPRs:

- SE has the 9th highest number of fatalities
- SE has the 7th highest crash rate
- SC has the 10th highest number of fatalities
- SC has the 3rd highest crash rate



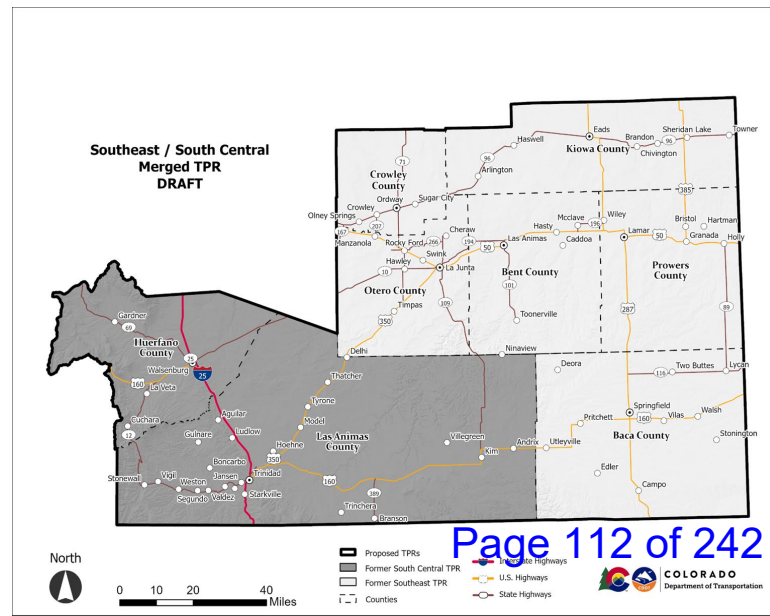


# Boundary Analysis: Geographic Size

TPR - Geographic Area	SqMi	Percent of Area
Eastern	16,355	15.71%
Northwest	13,840	13.30%
Gunnison Valley	9,612	9.23%
<b>Southeast</b>	<b>9,599</b>	<b>9.22%</b>
San Luis Valley	9,214	8.85%
Upper Front Range	7,063	6.79%
<b>Intermountain</b>	<b>6,626</b>	<b>6.37%</b>
Southwest	6,555	6.30%
<b>South Central</b>	<b>6,360</b>	<b>6.11%</b>
Central Front Range	6,336	6.09%
Greater Denver Area	5,279	5.07%
Grand Valley	3,345	3.21%
Pueblo Area	2,396	2.30%
Pikes Peak Area	833	0.80%
North Front Range	675	0.65%

Based on public comment, staff looked at land area (which was not a required data element per statute)

- A combined SE/SC TPR would become the second largest TPR by geographic area (second to Eastern TPR).





We will be posting updates and this presentation here:

<https://www.codot.gov/programs/planning/planning-partners/tpr-mpo>

## Other resources:

- [Mapping Tool](#)
- [TPR Information](#)
- [TPR At a Glance](#)
- [TPR CDOT Website](#)
- [Public Meeting Videos](#)
- [CDOT Planning Process](#)
- [Statewide Transportation Plan](#)
- [CDOT Engineering Region Information](#)
- [Rural Planning Guide](#)
- [HB23-1101: The Ozone Season Transit Grant Program Flexibility bill](#)



Thank you to the CDOT staff who contributed to this study:

- Alejandra Garcia Acevedo (DTD)
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- Sheereen Ibtesam (DTD)
- Lindsey Jaquez (R2)
- Madison Nareski (OPGR)
- Hannah Reed (OPGR)
- Mark Rogers (R3)
- Nate Rogers (DTD)
- Jordan Rudel (R1)
- Victor Santistevan (Motor Pool)
- Michael Snow (DTD)
- Josie Thomas (R4)
- Jennifer Uebelher (OPGR)
- Sari Weichbrodt (OPGR)
- Zoe Wilhelmsen (EMT)
- Aaron Willis (DTD)

An extra special **THANK YOU** to Melissa Lewis, OPGR Fellow,  
without whom this study would not have happened





### Memorandum

**DATE:** November 15, 2023  
**TO:** Fuels Impact Enterprise Board of Directors  
**FROM:** Darius Pakbaz, Director, Division of Transportation Development  
Craig Hurst, Manager, Freight Safety & Mobility Branch  
**SUBJECT:** Presentation of Draft Fiscal Year 2024 & Fiscal Year 2025 Budgets

---

#### Purpose

This memorandum provides a summary of the draft budgets for Fiscal Year 2024 & Fiscal Year 2025 for consideration by the Fuels Impact Enterprise Board of Directors (Board).

#### Action

Discussion only. Draft Budgets, with adjustments requested by the Board of Directors, will be brought for adoption at a future board meeting.

#### Background

As defined in 43-4-1503 (1)(b), the Transportation Commission shall also serve as the Fuels Impact Enterprise Board of Directors. The board must approve the annual budgets of the Fuels Impact Enterprise per statute and to fulfill obligations in statute to specific local agencies.

#### Details

The Board of Directors was provided a draft budget proposal for both FY24 and FY25. Those budgets outline the projected revenue and an estimate of what the enterprise will need to spend to accomplish its legislative duties outlined in SB 23-280. In fiscal year 2024, projected revenues are expected to be \$11.25 million. After required allocations to local governments, it is anticipated that administrative expenditures will equate to \$89,500, with \$1.06 million available for enterprise funded programs, to be roll-forward to fiscal year 2025. In fiscal year 2025, anticipated revenues expect to be \$15 million. After required allocations to local governments, it is anticipated that administrative expenditures will equate to \$134,500 and \$5.93 million available for enterprise funded programs. A small contingency fund has been allocated in the budget, not to exceed \$100,000, for unexpected expenses.





**COLORADO**  
**Department of Transportation**  
Freight Mobility & Safety Branch

**Next Steps**

Staff will bring forward both fiscal years' budgets, with any requested adjustments by the Board of Directors, for adoption at a future Board of Directors meeting.

**Attachments**

Attachment A: Draft Fuels Enterprise Proposed Fiscal Year 2024 Budget

Attachment B: Draft Fuels Enterprise Proposed Fiscal Year 2025 Budget



# Fiscal Year 2024

## Draft Proposed Annual Budget

Fuels Impact Enterprise Fuels Impact Reduction Fund (Fund 548)			
Line Item	Budget Item	Estimated Revenues	Proposed Allocations
1	<b>Estimated Fiscal Year 2024 Revenue</b>		
2	Fuels Impact Reduction Fee	\$ 11,250,000	
3	Roll-Forward from Previous Fiscal Year - Administrative & Operating	\$ -	
4	Roll-Forward from Previous Fiscal Year - Programming Funds	\$ -	
5	<b>Total Estimated Revenue</b>	<b>\$ 11,250,000</b>	
6			
7	<b>Programming &amp; Projects</b>		
8	Adams County Allocation		\$ (6,400,000)
9	Aurora Allocation		\$ (2,000,000)
10	El Paso County Allocation		\$ (1,300,000)
11	Mesa County Allocation		\$ (240,000)
12	Otero County Allocation		\$ (60,000)
13	Board Directed Hazmat/Freight Programs		\$ -
14	Additional Project and Program Support Services		\$ -
15	<b>Total Project and Program Support Services</b>		<b>\$ (10,000,000)</b>
16			
17	<b>Administrative &amp; Operating Activities (Cost Center FI280-548)</b>		
18	Fuels Impact Enterprise Personnel Salary & Benefits		\$ (50,000)
19	Fuels Impact Enterprise Staff Compensation		\$ (25,000)
20	Fuels Impact Enterprise Program Support		\$ (10,000)
21	Attorney General's Office Legal Services		\$ (1,000)
22	Annual Audit		\$ (2,000)
23	Travel Expenses		\$ (500)
24	Operating Expenses		\$ (1,000)
25	Other Consulting Expenses		\$ -
26	<b>Total Administrative &amp; Operating Activities</b>		<b>\$ (89,500)</b>
27			
28	<b>Debt Service</b>		
29	Debt Service		\$ -
30	<b>Total Debt Service</b>		<b>\$ -</b>
31			
32	<b>Contingency Reserve</b>		
33	Board Contingency Reserve		\$ (100,000)
34	<b>Total Contingency Reserve</b>		<b>\$ (100,000)</b>
35			
<b>Total Fund Revenues</b>		<b>\$ 11,250,000</b>	
<b>Total Fund Allocations</b>			<b>\$ (10,189,500)</b>
<b>Remaining Unbudgeted Funds</b>			<b>\$ 1,060,500</b>

Fiscal Year 2025

**Draft** Proposed Annual Budget

<b>Fuels Impact Enterprise                      Fuels Impact Reduction Fund (Fund 548)</b>			
Line Item	Budget Item	Estimated Revenues	Proposed Allocations
1	<b>Estimated Fiscal Year 2024 Revenue</b>		
2	Fuels Impact Reduction Fee	\$ 15,000,000	
3	Roll-Forward from Previous Fiscal Year - Administrative & Operating	\$ 100,000	
4	Roll-Forward from Previous Fiscal Year - Programming Funds	\$ 1,060,500	
5	<b>Total Estimated Revenue</b>	<b>\$ 16,160,500</b>	
6			
7	<b>Programming &amp; Projects</b>		
8	Adams County Allocation		\$ (6,400,000)
9	Aurora Allocation		\$ (2,000,000)
10	El Paso County Allocation		\$ (1,300,000)
11	Mesa County Allocation		\$ (240,000)
12	Otero County Allocation		\$ (60,000)
13	Board Directed Hazmat/Freight Programs		\$ (5,926,000)
14	Additional Project and Program Support Services		\$ -
15	<b>Total Project and Program Support Services</b>		<b>\$ (15,926,000)</b>
16			
17	<b>Administrative &amp; Operating Activities (Cost Center FI280-548)</b>		
18	Fuels Impact Enterprise Personnel Salary & Benefits		\$ (100,000)
19	Fuels Impact Enterprise Staff Compensation		\$ (20,000)
20	Fules Impact Enterprise Program Support		\$ (10,000)
21	Attorney General's Office Legal Services		\$ (1,000)
22	Annual Audit		\$ (2,000)
23	Travel Expenses		\$ (500)
24	Operating Expenses		\$ (1,000)
25	Other Consulting Expenses		\$ -
26	<b>Total Administrative &amp; Operating Activities</b>		<b>\$ (134,500)</b>
27			
28	<b>Debt Service</b>		
29	Debt Service		\$ -
30	<b>Total Debt Service</b>		<b>\$ -</b>
31			
32	<b>Contingency Reserve</b>		
33	Board Contingency Reserve		\$ (100,000)
34	<b>Total Contingency Reserve</b>		<b>\$ (100,000)</b>
35			
<b>Total Fund Revenues</b>		<b>\$ 16,160,500</b>	
<b>Total Fund Allocations</b>			<b>\$ (16,160,500)</b>
<b>Remaining Unbudgeted Funds</b>			<b>\$ -</b>



# COLORADO

## Transportation Commission

4201 East Arkansas Avenue, Room270  
Denver, CO 80222-3406

**DATE:** November 18, 2023  
**TO:** Transportation Commission  
**FROM:** Jason Smith Region 3  
**SUBJECT:** US 6 and I-70 Frontage Rd Devolution

### Purpose

The City of Glenwood Springs would like CDOT to devolve US 6 and I-70 Frontage Road from just west of the Donegan Road interchange to 6th Street between Laurel and Maple Streets including the roundabout and portions of the interchanges as shown in the attached maps.

Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality.

### Action

CDOT Region 3 would like the Transportation Commission to direct Region 3, by resolution if necessary, to initiate this process with the City of Glenwood Springs.

### Background

Early in 2023 the City of Glenwood Springs approached CDOT with the proposal to acquire the rights of US 6 and some of the I-70 Frontage road that runs through their jurisdiction. Region 3 went through the standard Maintenance Incentive Pilot Program formulas and determined that the costs to maintain these segments over a 5-year period and came up with a figure very close to \$350,000.

In July, the city passed a resolution supporting an agreement with the State to devolve for this amount which has been proposed could come from the Surface Treatment budget.

### Details

The City of Glenwood Springs proposes to take ownership of US 6 and a portion of I-70 Frontage in exchange for a total payment of \$350,000 which will be allocated when they have completed the necessary survey. The payment will be made with Surface Treatment funding.

Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures.

### Key Benefits

The fee of \$350,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain preserve, or improve this section of roadway.

### Options and Recommendations





If the Transportation Commission chooses to do so Region 3 would recommend that they approve the attached resolution.

#### Next Steps

Within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Glenwood Springs shall execute a resolution or ordinance accepting the abandoned portion of US 6 as a city street. Within 90 days of the date of execution of the Town's Resolution or Ordinance accepting the abandoned portion, CDOT will execute a quitclaim deed that will include a reversionary provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT. Concurrent with the execution of the quitclaim deed, CDOT will provide payment to the city, and that shall constitute the total consideration from the State to the city related to the abandonment and transfer of the Abandoned Highway.

#### Attachments

Proposed Resolution

City of Glenwood Springs Resolution

Maps depicting the area



**MEMORANDUM**

**TO:** Transportation Commission

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

**FROM:** Jonas Durham, Fiber Development Manager

**DATE:** November 2023

**SUBJECT:** Fee Based ROW Access for Fiber

**Purpose**

CDOT is proposing authorization to implement a revised simplified fee structure and improved process to facilitate access to CDOT rights of way (“ROW”) 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 only.

**Background**

In February 2022, the Governor issued Executive Order D 2022 009 (restated in June in EO D 2022 023) and Senate Bill 22-083, Accelerating Broadband Deployment in Colorado. This Executive Order and Senate Bill directed CDOT to develop a simplified fee structure to facilitate access to CDOT rights of way for the deployment of broadband.

In March 2023, CDOT proposed a ROW Fee Structure to the TC per directives in the Governor’s Executive Order and the corresponding legislation passed in 2022. While the initial fee structure was cost-based and in line with many surrounding states, CDOT received numerous comments and feedback from a variety of stakeholders expressing certain concerns they had regarding CDOT’s March 2023 proposed ROW Fee Structure. In May 2023, CDOT incorporated stakeholder feedback and introduced a second proposal that reduced the charges associated with CDOT’s ROW Fee Structure by 55% to 64% from the previous iteration.

Proposed Fee Revision	One-Time Installment Fee for Permitting Costs	Annual Property Use Surcharge
	\$0.05 per foot	<ul style="list-style-type: none"> <li>• \$0.10 per foot for urban counties (&gt;200k population)</li> <li>• \$0.03 per foot for everywhere else</li> </ul>

**Recommendation**

While CDOT believes its May 2023 proposal is fair, the unique climate fostered by the incoming federal broadband funding, coupled with continued conversations with community advocates, has led the broadband industry to continue to advocate to lower the fee further. This revised proposal is an attempt to provide a compromise that will be lower, yet still justifiable as fair market value to cover the use of public assets in alignment with the Executive Order and Statute that call for CDOT to implement a fee structure by August 30, 2022.

CDOT proposes charging an annual property use surcharge consistent with the United States Forest Service methodology and a one-time upfront fee to cover permitting costs. This method would cut the yearly fee by around 90% from our last proposal. Projects planned in the nine Colorado counties with over 200,000 people (Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld) would pay an annual surcharge of **\$0.10 per foot** of fiber optic cable. Projects planned in the remaining 55 counties would pay **\$0.03 per foot annually**. All counties would pay the same, one-time upfront permitting cost of \$0.05 per foot.

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

#### **Next Steps**

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





**COLORADO**

Department of Transportation

# ITS Fiber Program Fee Structure for ROW Use November 15, 2023

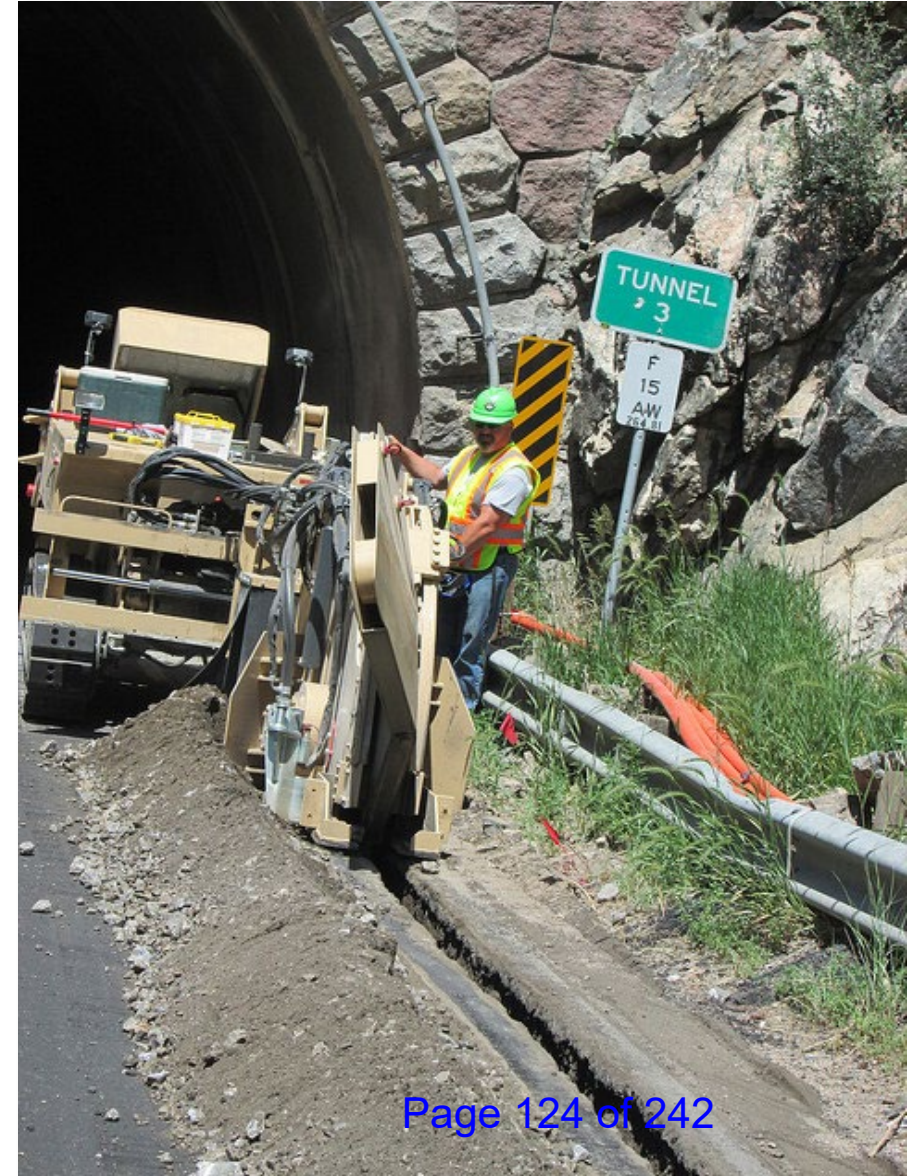
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# Agenda

1. Background/Developing a Fee Structure
2. Legal Authority
3. Options for Building Fiber in ROW
4. Timeline of Progress
5. 2023 Fee Structure Proposal Comparisons
6. Calculating the Revised Rates
7. Use Case Comparisons
8. Summary & 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

Brandy Reitter  
Ali Haitham  
Michael Murphy  
Kendall Cramer

### CDOT Permitting / Utilities

R1 Chris Laughlin  
R2 Todd Ausbun  
R2 Valerie Vigil  
R3 Joe Carter  
R4 David Torrez  
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!**



# Legal Authority

## C.R.S. § 38-5.5-102 through 109

- Addresses telecommunications providers' access to public rights-of-way
- Any limitation contained in these statutes on what telecommunications providers can be charged applies only to local government entities and political subdivisions

## C.R.S. § 38-5.5-102(5)

- These limitations do not apply to CDOT because CDOT is a principal department of the State of Colorado and is neither a "political subdivision" or "local government entity"
- The fact that the Colorado Legislature meant to exclude CDOT from the fee limitations contained in C.R.S. § 38-5.5-102, *et. seq.* is made crystal clear by listening to pertinent legislative history audio recordings

## C.R.S. § 43-1-1201, *et al*

- CDOT can enter into a **non-exclusive** public-private initiative partnership agreement with a telecommunications company but **must either receive a private contribution** for the use of CDOT's right-of-way or be able to offset the benefit that the private telecommunications company will be receiving with a public benefit

## C.R.S. § 43-1-210(5)

- Federal and state law also requires CDOT to obtain fair market value for the use and disposal of state highway right-of-way

## Federal Telecommunications Act (See 47 U.S.C.A. § 253(c))

- Allows an entity like CDOT to require fair and reasonable compensation from telecommunications providers on a **competitively neutral and nondiscriminatory basis** for the use of public rights-of-way



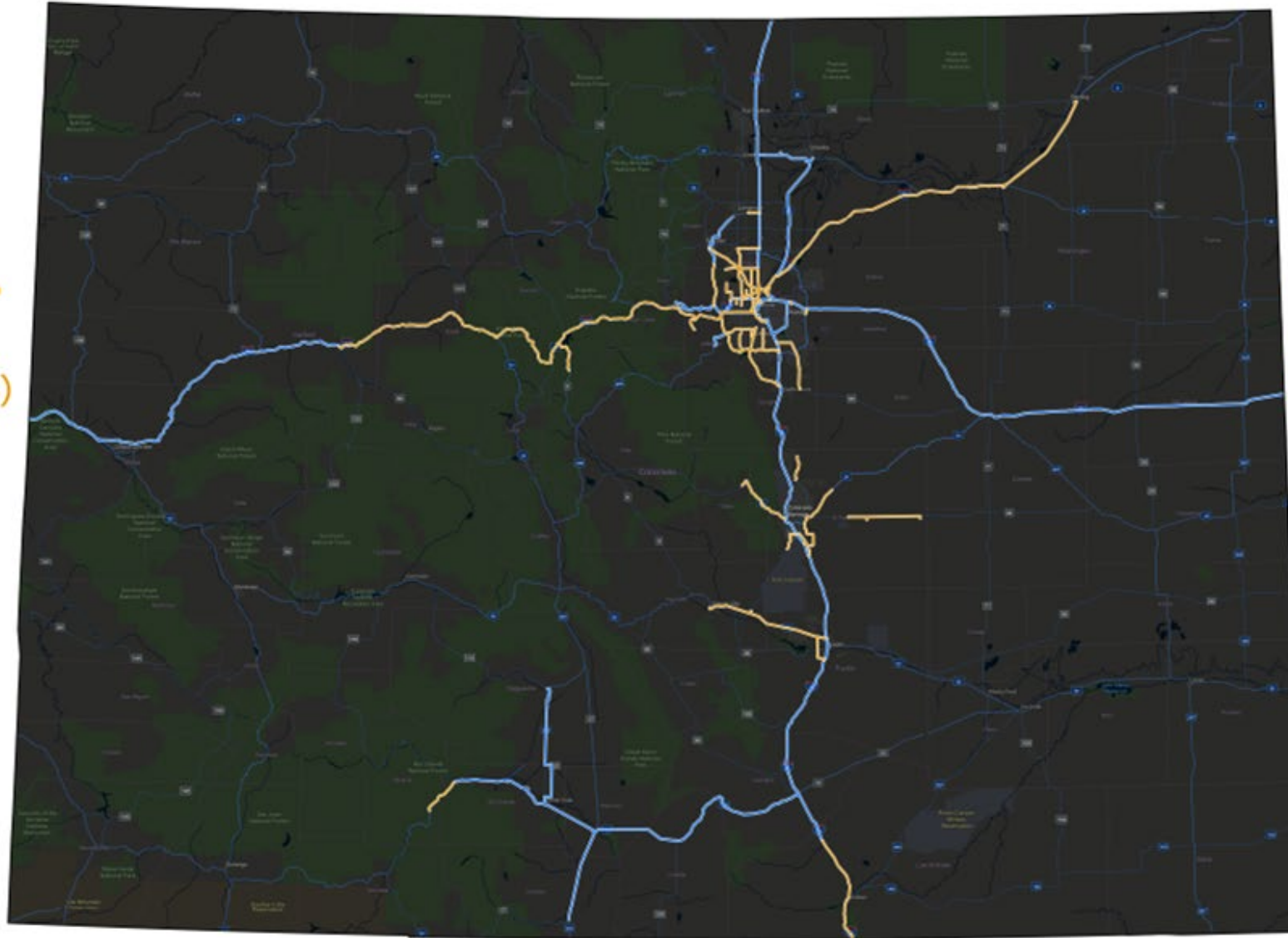
# Expansion of the Fiber Asset

1999

2023

CDOT Built  
(~700 miles)

Partner Built  
(~900 miles)

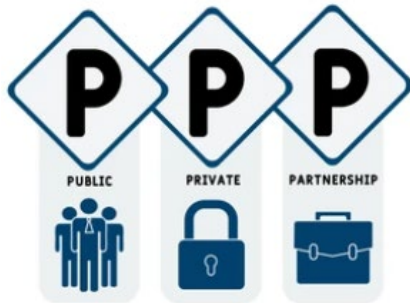




# Building Fiber in the ROW: Options

## Option #1: Public Private Partnership

- Requires Agreement Process (12-24 months)
- In-Kind Compensation



## Option #2: Special Use Permit

- Requires Permit Application (3-4 months)
- One-time & Annual Monetary Compensation



**\*Option #3:** Public Private Partnership to lease existing CDOT owned dark fiber where available

More information including detailed process steps and expected timelines can be found on our webpage:

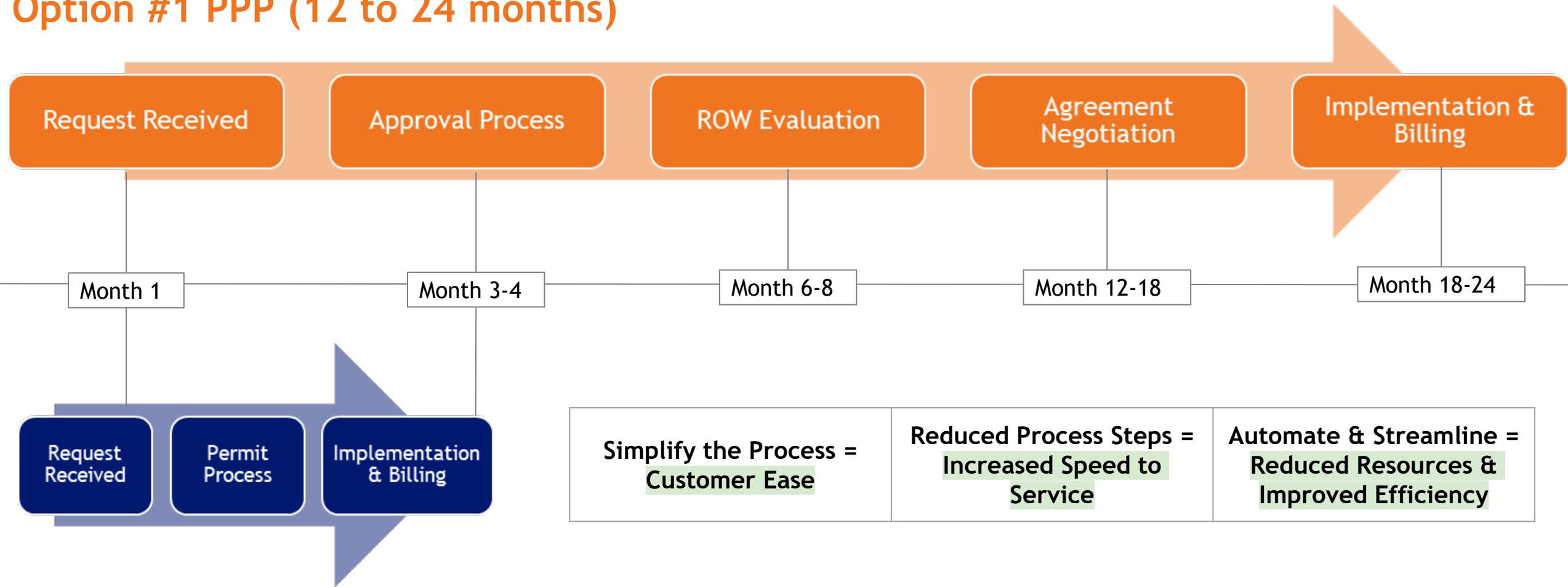
<https://www.codot.gov/programs/intelligent-transportation-systems/fiber-leases-right-of-way-use>





# Improved Options Option #1 vs Option #2

## Option #1 PPP (12 to 24 months)



## Option #2 Special Use Permit (3 to 4 months)





# Timeline of Progress

**March 2023** - presented initial version of fee structure to TC

**April 2023** - postponed voting to adopt to receive additional public comments

**May 2023** - formed TC subcommittee, increased stakeholder engagement, and presented a newly revised fee structure based on feedback

**June - August 2023** - Continued stakeholder engagement with industry, TC, AG, and Gov's Office

**September-October 2023** - Anticipated new TC members, developed latest revisions

**November 2023:** TC Workshop and stakeholder engagement



# 2023 Fee Structure Proposals

Previous Fee Structure Proposals	One-Time Rate for Costs	Annual Property Use Rate
Original Fee Proposal (March 2023)	N/A	\$0.76- \$.96*
Revised Fee Proposal #1 (May 2023)	\$0.07- \$0.11*	\$0.27- \$0.43*

\*The first two proposals had different pricing structures depending on corridor type (US Highway, State Highway, Interstate). The most recent proposal has a flat rate for all corridors.

## November 2023 Recommendation

Proposed Rate Revision	One-Time Rate for Permitting Costs	Annual Property Use Rate
	\$0.05 per foot	<ul style="list-style-type: none"> <li>• \$0.10 per foot for urban counties (&gt;200k population)</li> <li>• \$0.03 per foot for rural counties</li> </ul>

- Annual rates by reduced by over 90% from initial proposal
  - **\$0.10 Urban Rate:** Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, & Weld
  - **\$0.03 Rural Rate:** Remaining 55 counties
- Annual adjustments using the implicit price deflator-gross national product (IPD-GNP)
  - Covers inflation costs
  - Consistent with USFS/BLM



# Calculating the Revised Rates

	One-Time Rate for Permitting Costs	Annual Property Use Rate
Proposed Fee Revision	\$0.05 per foot	<ul style="list-style-type: none"> <li>\$0.10 per foot for urban counties (&gt;200k population)</li> <li>\$0.03 per foot for rural counties</li> </ul>

- CDOT’s previous ROW fee structure proposals utilized adjacent land zoning methodology and state land appraisals to calculate the fair market value of the ROW. The Department’s latest proposal uses fair market data from the Bureau of Land Management.
- The Bureau of Land Management and the United States Forest Service have a long-established program for charging fair market value for using federal land in broadband development.
- The industry widely accepts these rates, and [BLM maintains a comprehensive list of the adjusted average per-acre land value for every county in the United States.](#)

## Annual Property Use Surcharge

- Isolated the 64 Colorado counties from the BLM’s nationwide acreage value data
- Rates provided are per acre, we divided each value by 43,650 (the number of square feet per acre) to determine each county’s fair market value per square foot.
- [This spreadsheet](#) lists each Colorado County, their acreage valuation determined by the BLM, and CDOT’s square footage calculations

## Rural (\$0.03 per foot per year)

- The median fair market value of the 55 Colorado rural counties is \$0.03 per foot.
- CDOT also pays USFS/BLM approx \$0.03 per foot per year to utilize USFS land for our fiber optic cables in rural counties.

## Urban (\$0.10 per foot per year)

- The median fair market value of the 9 urban counties is \$0.10 per foot
- Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld
- Consistent with CDOT’s property management program, as these nine counties have a higher lease fee for CDOT cell towers



# Use Case Comparisons

Example Scenario 1: Build from Ignacio to Pagosa Springs		
<ul style="list-style-type: none"> <li>Location: State Highway 151 Mile Point 0 to 33.5 and US 160 Mile Point 127 to 143</li> <li>Length of Build: 49.5 miles (261,360 ft)</li> </ul>		
	One Time Up Front Payment	Annual Payment
Original Fee Proposal (March 2023)	N/A	\$205,3924
Revised Fee Proposal #1 (May 2023)	\$19,985	\$76,636
Revised Fee Proposal #2 (Nov. 2023)	<b>\$13,068</b>	<b>\$7,841</b>

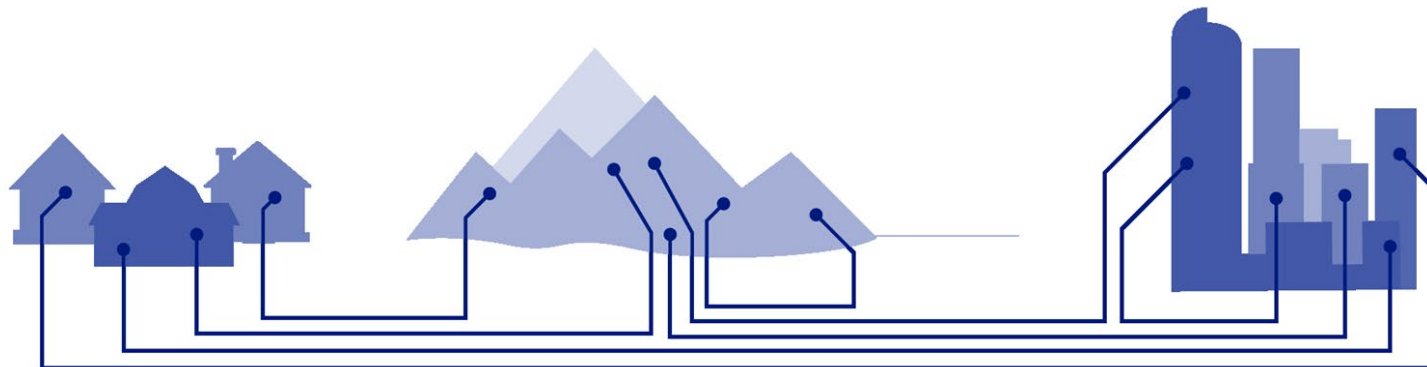
- These tables demonstrate how the revised fee structure translates into actual cost
- Key takeaways highlighted in yellow show a reduction by over 90% from the version proposed in May.

Example Scenario 2: Build from Durango to Pagosa Springs		
<ul style="list-style-type: none"> <li>Location: US 160 Mile Point 83 to 143</li> <li>Length of Build: US 160 Mile Point 83 to 143, 60 miles (316,800 ft)</li> </ul>		
	One Time Up Front Payment	Annual Payment
Original Fee Proposal (March 2023)	N/A	\$266,112
Revised Fee Proposal #1 (May 2023)	\$28,5129	\$104,544
Revised Fee Proposal #2 (Nov. 2023)	<b>\$15,840</b>	<b>\$9,504</b>

Example Scenario 3: Build through Boulder on SH 119		
<ul style="list-style-type: none"> <li>Location: SH 119 Mile Point 44 to 54</li> <li>Length of Build: SH 119 Mile Point 44 to 54, 10 miles (52,800 ft)</li> <li>*at \$0.10 per foot for annual payment because it is located in Boulder County</li> </ul>		
	One Time Up Front Payment	Annual Payment
Original Fee Proposal (March 2023)	N/A	\$40,218
Revised Fee Proposal #1 (May 2023)	\$3,696	\$14,256
Revised Fee Proposal #2 (October 2023)	<b>\$2,640</b>	<b>\$5,280</b>



- Additional ROW option of Special Use Permit
  - 3-4 months timeline
- Proposed fee structure based on population
  - Rural <200k (55 counties)
  - Urban >200k (9 counties)
- Proposed 90% rate reduction based on BLM/USFS rates
  - Rural \$0.03 per foot annually
  - Urban \$0.10 per foot annually
  - One time \$0.05 per foot







# Next Steps

- Listen to stakeholder feedback
- Requesting adoption from TC in December
- Complete permitting software development (Salesforce)
  - Streamline and automate user experience
- Implement Accounts Receivable platform
  - Automate permitting payments
- Develop tracking/oversight for funding
  - Define metrics and accountability needed for transparency
- Return to TC in Q2 and provide updates



**COLORADO**  
**Department of Transportation**  
Office of Innovative Mobility

**TO:** CDOT Transportation Commission  
**FROM:** Kay Kelly, Chief of Innovative Mobility  
**DATE:** November 15, 2023  
**SUBJECT:** Office of Innovative Mobility Update

**PURPOSE:** To provide an overview of the Office of Innovative Mobility (OIM).

**ACTION:** None

**BACKGROUND:** The mission of OIM is to reduce pollution in our air and congestion on our roads by expanding multimodal transportation options using traditional and emerging mobility technologies. This supports CDOT's Clean Transportation and Statewide Mobility goals and is accomplished through transit, ridesharing, electrification, and other emerging technologies. The office supports all types of transportation options, especially those that help reduce congestion by avoiding single occupancy vehicle use. Through these initiatives, the office hopes to reduce total vehicle miles traveled per capita in the state and looks to curb the growth of greenhouse gas- and ozone-causing emissions from transportation-related activities.

OIM reports to the CDOT Executive Director and is organized into four program areas with the following functions:

- Division of Transit and Rail - responsible for planning, developing, operating, and integrating transit and rail into the statewide transportation system.
- Electrification and Energy - working with partners across the public and private sectors to facilitate the expansion of both electric vehicles (EVs) and infrastructure across Colorado.
- Mobility Services - explores ways to make transportation more efficient and accessible by evaluating new and emerging transportation modes and data, along with encouraging and facilitating transportation demand management strategies.
- Mobility Technology - guiding Colorado's strategy, policy and deployments of connected, autonomous and emerging transportation technologies.

**Next Steps:** OIM staff will continue to provide bi-monthly updates as part of the TC Mobility Committee.

**Attachment:** 2023-11-15 OIM Workshop for TC.ppt





**COLORADO**

Department of Transportation

# Office of Innovative Mobility Update



# Office of Innovative Mobility

*Reduce pollution in our air and congestion on our roads by expanding multimodal transportation options, utilizing traditional and emerging mobility technologies.*



Transit & Rail



Mobility Services



Mobility Technology



Electrification



# OIM Teams and Focus Areas

## Transit and Rail

Planning & Operations

Programs

Passenger Rail

## Mobility Services

Emerging Mobility

Mobility Data Integration

Strategic TDM

## Mobility Technology

Autonomous Vehicles

Connected Vehicles

## Electrification and Energy

Charging Infrastructure

Education and Outreach

M/HD Electrification

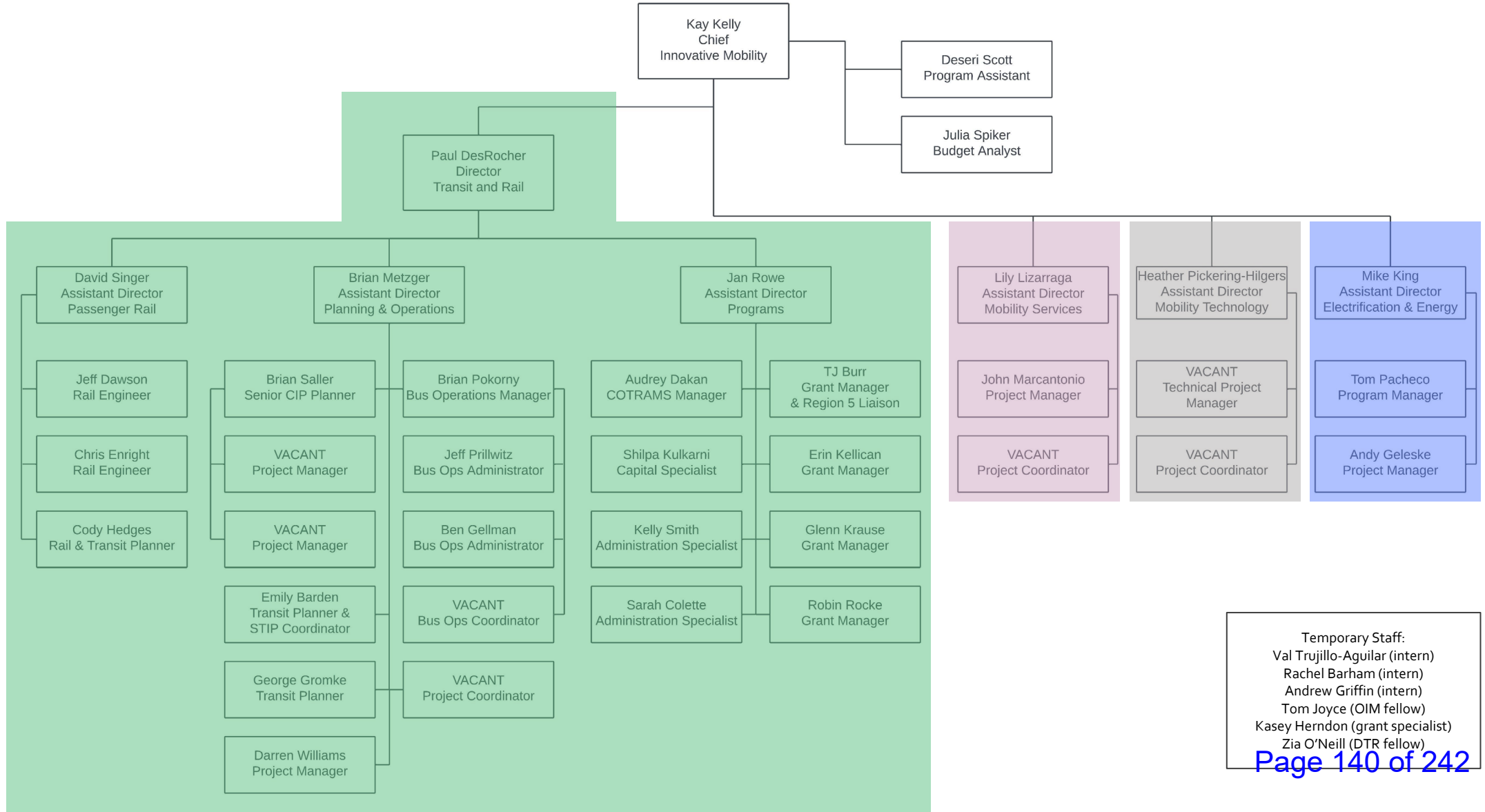
Transit Electrification

Workforce Development





# Office of Innovative Mobility Org Chart



Temporary Staff:  
 Val Trujillo-Aguilar (intern)  
 Rachel Barham (intern)  
 Andrew Griffin (intern)  
 Tom Joyce (OIM fellow)  
 Kasey Herndon (grant specialist)  
 Zia O'Neill (DTR fellow)



# OIM Supports CDOT's Goals

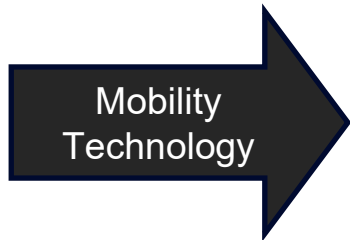
## Accountability and Transparency

<b>1</b>	Ensure efficient use of taxpayer funds and efficient construction project delivery.		Ensure that pre-construction and construction engineering costs for CDOT's Construction Program account for no more than 20% of total program costs in fiscal year 2024.
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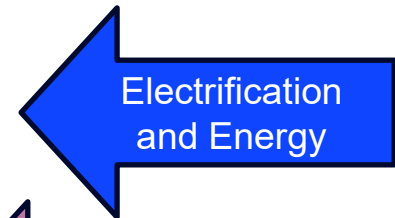
## Advancing Transportation Safety

<b>2</b>	Advance the safety of Colorado's transportation system so all travelers arrive at their destination safely.		Reduce the percentage of fatal and serious injury crashes in fiscal year 2024 by 15%, compared to the same month in fiscal year 2023.
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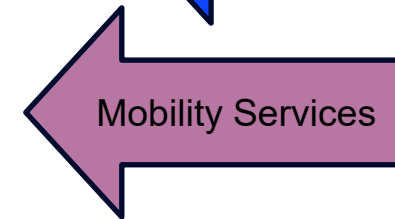
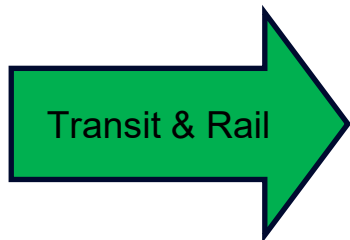
## Clean Transportation

<b>3</b>	Reduce pollution from the transportation sector.		Reduce greenhouse gas and ozone-causing emissions from the transportation sector, in line with Colorado's Greenhouse Gas Pollution Reduction Roadmap targets by June 30, 2024.
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## Statewide Transit

<b>New</b> <b>4</b>	Relieve traffic congestion with connected statewide transit and rail services.		Reduce the time Coloradans spend in their cars by 1 million hours before June 30, 2024.
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# Transit and Rail FY23-24 Goals



*The Division of Transit & Rail is responsible for the planning, developing, operating, and integrating transit and rail into the statewide transportation system. This is consistent with CDOT's mission of providing "the best multimodal transportation system for Colorado that most effectively and safely moves people, goods and information."*



Continue developing and constructing mobility hubs along Colorado's major interstate corridors (I-25 and I-70).



Increase the number of state highway Bus Rapid Transit Corridor projects in design or under construction.



Increase the frequency of available Bustang trips by expanding the total amount of revenue service miles provided by the Bustang Family of Services.



Increase ridership for the Bustang Family of Services.



Develop a vision for Front Range Passenger Rail (FRPR) by increasing the percentage of FRPR plan milestones accomplished.



Identify three additional corridors for future or expanded passenger rail service in addition to the FRPR corridor.



# Transit and Rail Accomplishments

## Planning and Operations

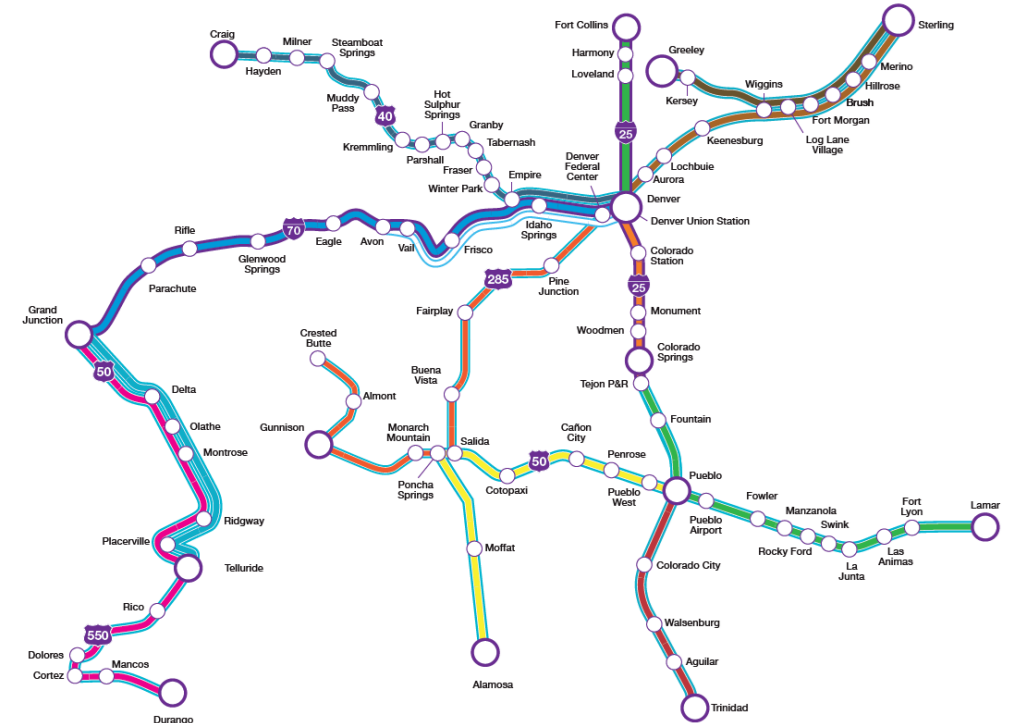
- 12 Mobility Hubs in development or under construction along I-25 and I-70
- Bustang Family of Services is experiencing year-over-year growth in ridership

## Programs

- Processing >200 grant awards annually from a variety of state and federal funding sources
- Grant programs support transit agency admin & operations, planning, mobility management, and capital programs for buses and bus facilities

## Passenger Rail

- Working closely with Front Range Passenger Rail District on service development plan, NEPA and other workplan items to move project forward







# Electrification and Energy FY 23-24 Goals



Increase the percentage of total state highway miles within a 30-mile travel buffer of direct current (DC) fast-charging stations to support the future fleet of electric vehicles (EV) statewide.



Increase the number of Colorado Scenic and Historic Byways classified as electrified byways to improve EV access to Colorado's scenic and recreational locations.



Increase the number of National Electric Vehicle Infrastructure grants awarded for projects within identified gaps on federally designated EV corridors in Colorado.



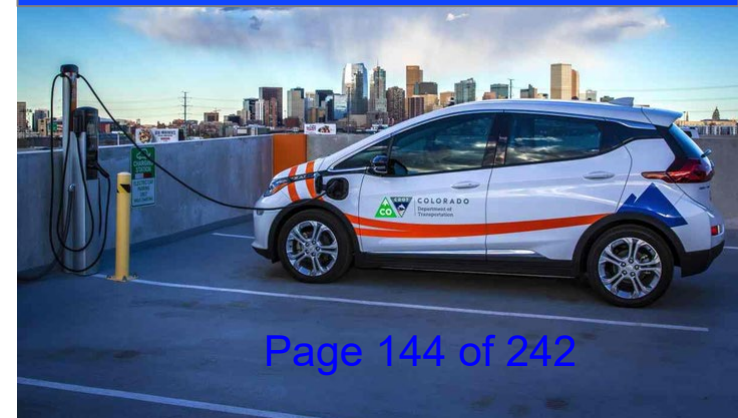
Expand public awareness and education around EVs and increase public understanding of their benefits, capabilities, and availability by increasing the number of grants awarded from the E-Mobility Education and Awareness Grant program.



Increase the number of zero-emission buses as a transition to technologies that achieve the greatest fuel economy and minimize greenhouse gas emissions.



*The Electrification group works with partners across the public and private sectors to facilitate the expansion of both electric vehicles and infrastructure across Colorado.*

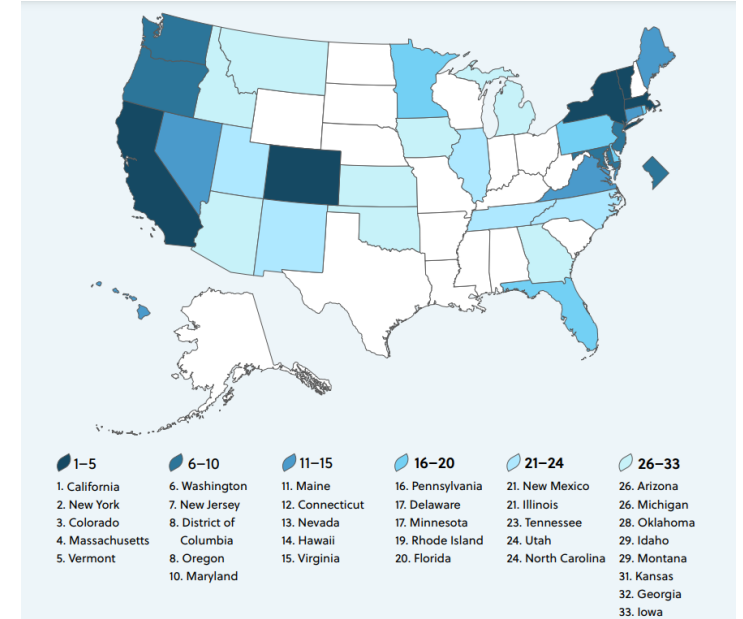




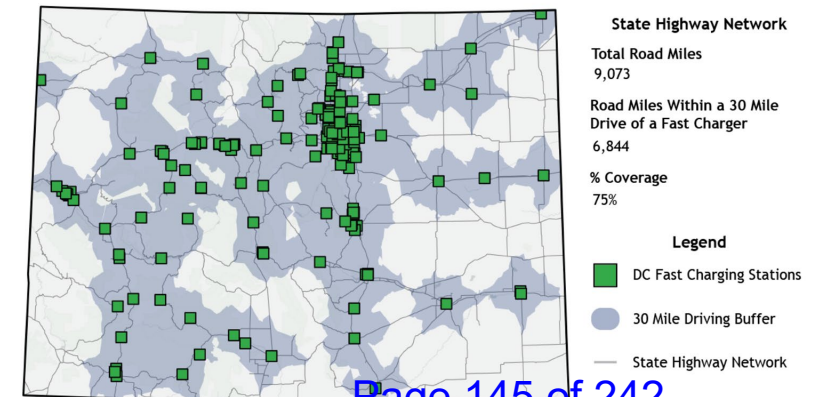


# Electrification and Energy Accomplishments

- Colorado recently ranked #3 in the American Council for an Energy Efficient Economy (ACEEE) Transportation Electrification Scorecard
- Currently have 93,931 Registered EVs in Colorado, with EVs accounting for 10.5% of new vehicle sales in CY 2022
  - In September 2023, EVs were ~20% of CO new vehicle registrations
- 75% of Colorado's State Highway Network is within 30 miles of a DC Fast Charging Station (more than 300 stations and counting!)
  - Colorado also has 4,478 Level 2 Charging Stations (and counting!)
  - Colorado ranks 5<sup>th</sup> nationally in public EV chargers per capita
- Colorado has 71 Battery Electric Buses in Operation and ~30 more on order



Publicly Accessible Electric Vehicle Fast-Charging Network  
301 Stations as of August 2023 (75% coverage)

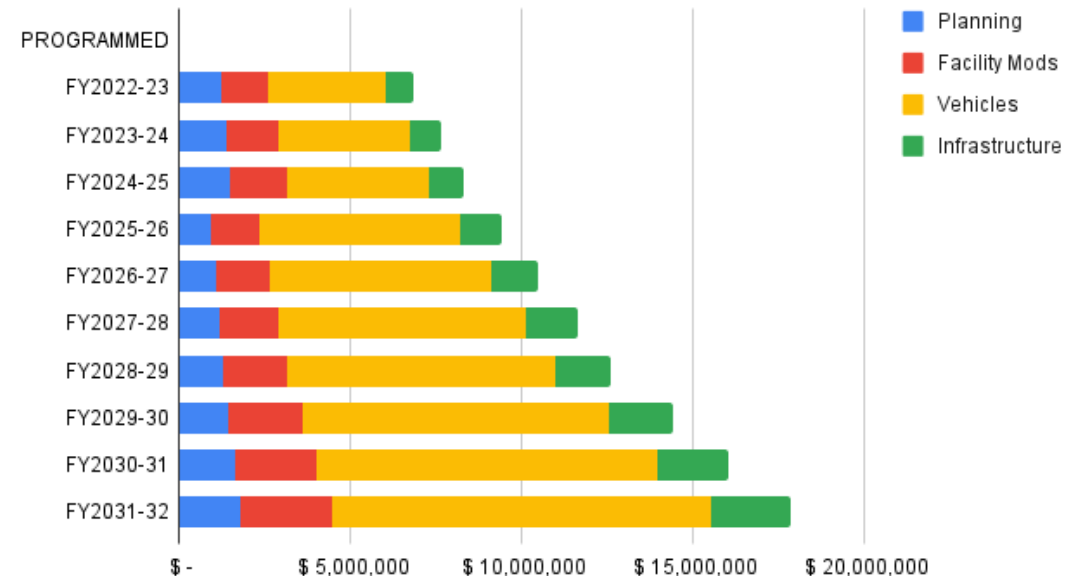




# Clean Transit Enterprise

- The Clean Transit Enterprise was created within CDOT as part of SB21-260 to reduce and mitigate the adverse environmental and health impacts of air pollution and greenhouse gas emissions by supporting:
  - Zero emission transit **planning** efforts
  - **Facility modifications** to support O&M of ZEV transit vehicles
  - Zero emission transit **vehicle purchases**
  - Recharging/refueling **infrastructure** installations
- The CTE Board recently approved their initial round of ZEV planning grants and anticipates releasing the capital call for projects in winter 2024

CTE Programmed Funds Estimate by Project Category





# Mobility Services



*Explores ways to make transportation more efficient and accessible by evaluating new and emerging transportation modes and data, along with encouraging and facilitating transportation demand management strategies.*

- Support for Clean Transportation Goal



Improve environmental and health outcomes by increasing the expenditure of grant funds for active transportation, multimodal, and Transportation Demand Management (such as the Revitalizing Main Streets program).

- Recent Accomplishments

- Issuing 3<sup>rd</sup> Round of Strategic TDM Grants
  - Funding for 9 Transportation Management Organizations to support and expand their existing efforts
  - Seed funding to establish 3 new Transportation Management Organizations to support travelers in Glenwood Springs, Fort Collins and along US-34
  - Funding for 20 innovative TDM projects statewide
- Hosted 3<sup>rd</sup> Annual TDM Conference on 10/26; also planning an internal CDOT TDM training





# Mobility Technology

*The Mobility Technology program focuses on guiding Colorado's strategy and policy on connected, autonomous and emerging transportation technologies.*



- Major Work Efforts Underway
  - Continuing to install Connected Vehicle Roadside Units to improve our awareness of what's happening on our roadways in real time
  - Supporting CDOT's 2 Autonomous Truck Mounted Attenuator (ATMA) vehicles to enhance the safety of CDOT team members in Regions 4 & 5
  - Connected Colorado Project for coordinated transit trip planning and ticketing
- Recent Accomplishments
  - Approaching 250 Roadside Unit Installations on FHWA BUILD Grant
  - Won an FHWA SMART Grant to expand capabilities of the ATMA vehicles
  - Won an FTA STAR Grant to add Advanced Driver Assistance Systems to 3 Bustang vehicles



## Next Steps

- OIM plans to provide a bi-monthly cadence of Mobility Committee Workshops for the Transportation Commission
- Please share your feedback on topics of most interest and we will do our best to accommodate those first in our schedule
- More information is also available on our website - <https://www.codot.gov/programs/innovativemobility>





**COLORADO**  
Department of Transportation

**Thank you!**  
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# DRAFT October 18-19, 2023 Transportation Commission (TC) Meeting Notes

## Workshops and Regular Meeting

Wednesday, October 18, 2023

1:00 pm to 5:00 pm

Youtube link:

[October 18, 2023 Transportation Commission Meeting Recording](#)

Transportation Commission Workshops [Recording Timestamp 00:00:00](#)

## Call to Order, Roll Call

11 Commissioners were present: Karen Stuart, Terry Hart, Eula Adams, Yessica Holguin, and Mark Garcia, Rick Ridder, Shelley Cook, Barbara Bowman, Hannah Parsons, and Jim Kelly.

**Budget Workshop & Commissioner Roundtable on Budget Items (Jeff Sudmeier and Bethany Nicholas), [Recording Timestamp 00:20:44](#)**

### Purpose and Actions:

This workshop summarized the FY 2022-23 year end budget processes, including final results from the revenue reconciliation process, 2023 federal redistribution, and FY 2022-23 roll forwards. In addition, the proposed actions are the 4th Budget Supplement for FY 2023-2024 for Eisenhower Johnson Memorial Tunnel improvements for \$2.3 million and the 3rd Budget Amendment for FY 2023-2024, that were discussed with the TC, prior bringing them forward for adoption at the regular TC meeting. There are 9 items for \$119.9M covered under this budget amendment:

- \$65M for Culvert Repair
- \$10M for Rest Areas
- \$10M for MASH Compliant Guardrail
- \$5M for Transit and Rail Planning
- \$20M Capital Construction Cost Escalation Fund
- \$2M Light Fleet/Maintenance Equipment
- \$0.5M Hot Spots
- \$0.4M JOA Hotels and Per Diem

### Discussion:

- Several Commissioners had questions regarding how 10-Year Plan projects were being funded including the use of the \$179M in Redistribution funds and establishing a Cost Escalation Fund to account for increases in project budgets due to rising costs and inflation.
  - Jeff Sudmeier answered that there are a variety of sources that go into 10-Year Plan projects. What you see in budget supplements on a monthly basis are adjustments to those projects. Have projects that come back with savings. Don't have anything specific to the 10-Year Plan element.
  - The Vail Pass project is not typical in terms of the cost escalation perspective as there was quite a bit more. For this project CDOT tapped into the freight fund and a bit from cost escalation fund.
  - Other questions pertaining to roll forwards and the relation to the 10-Year Plan funding sources were discussed and answered, als the end-year reconciliation dollars identified funds not expended yet and not yet identified for specific projects or are part of roll forwards yet.

**Policies and Procedures Overview and Adoption of Updated Policy Directive 1607 (Decision)(Herman Stockinger, David Singer, and Sari Weichbrodt)**  
[Recording Timestamp 00:47:30](#)

**Purpose and Action:**

This workshop provided a summary of the proposed changes to Policy Directive 1607.0 “Rail Corridor Preservation Policy” for its adoption by the TC. The requested action was to pass a resolution adopting the updated Policy Directive 1607.0 “Rail Corridor Preservation Policy.”

**Discussion:**

- Commissioner Garcia asked about if costs could be quantified regarding preserving and or enhancing existing passenger rail service to reduce highway maintenance costs.
  - David Singer noted that the costs like these would probably be quantified with qualitative measures pertaining to savings of vehicle miles traveled that are saved on the roadways. In addition we need to consider an option for moving people and goods, and recognize the need for freight transportation.
  - Commissioners Stuart, Vasquez, and Kelly felt this analysis may be too loose to consider noting - the reduced highway maintenance costs, but mentioned something else. Accommodating a greater amount of freight would be something good to include instead.
- Commissioner Cook asked about seeking funding sources beyond public private partnership agreements and it was explained by David Singer that this is something we at CDOT are always working on and its partners in the private sector but also at various levels of government throughout the state and other state agencies, that may have not been represented well in this document.

**I-25 Crystal Valley Interchange 1601 (Castle Rock) (Information)(Stephanie Alanis & Nyssa Beach)** [Recording Timestamp 01:07:35](#)

Purpose and Action: The 1601 Procedural Directive states that new interchanges within an MPO boundary should make a good faith effort to reach a 3% reduction in Average Daily Trips (ADT) at the

interchange on-ramps. As the Crystal Valley interchange is within DRCOG boundaries, the goal for transportation demand management (TDM) Strategies at the Crystal Valley Interchange is to reach a reduction of 575 trips which is 3% of the total ADT at the interchange. No action requested at the October workshop. Action will be requested at the November TC meeting.

**Discussion:**

- Some Commissioners noted the the good faith effort taken to meet TDM requirements and explore options for compliance with TDM elements required under PD 1601 as:
  - The project looks fairly rural and a good effort was made to put 1.5%. Don't know how it would get to 3% right away but if working with DRCOG's Way2Go program and other means to get there. Retrofitting, forward thinking on reducing congestion, working with applicants, consultants, DRCOG to reach 3%.
  - It was noted by Commissioner Garcia that the project should also consider rail in Pueblo. Nyssa Beach answered that they are working closely to consider Front Range Passenger Rail too, as well as future mobility hubs.
- Commissioner Ridder argued that he does not see that area remaining rural for long and that the project should meet those requirements and make sure the interchange is adjusted appropriately.
- Commissioner Cook asked if there was Bustang service planned at the interchange and if the surrounding land use is transit friendly or supports the TDM measures that developers are undertaking there..
  - Beach answered that Bustang service is not planned at Crystal Valley interchange. That they are comprehensively working with CDOT DTR to see what makes sense for a Castle Rock Mobility Hub. Multiple sites are being considered and they are working with the Town of Castle Rock with Bustang as a consideration.
  - Nathan Lingquist, the CDOT Land Use Planner, answered that the Town of Castle Rock in their development plans for the Dawson trails development, they have elements of mixed-use and CDOT set some criteria on what we considered mixed-use development and it has a lot of that, but they are still in the preliminary phase of development and CDOT is now in conversations with them. More governmental partners with state, local, and counties have control. When its final development plans come out, CDOT will look at if the TDM requirements boxes were checked.

**Bridge and Tunnel Enterprise - Programmatic Overview (Patrick Holinda and Tyler Weldon) [Recording Timestamp 01:56:52](#)**

**Purpose and Action:**

Staff prepared this workshop to provide the Bridge and Tunnel Enterprise (BTE or Enterprise) Board of Directors (Board) and the TC an overview of the Enterprise's role in delivering the CDOT 10-Year Plan (10-Year Plan or plan), its planned participation in BTE eligible CDOT 10-Year Plan projects, and anticipated financing needs to deliver the plan. No approval action is being requested this month. Staff requests Board and TC feedback on ongoing Enterprise planning activities.

**Discussion:**

- \$250M of BTE funds are dedicated to the 10-Year Plan Projects as required by SB 21-260.



- Covering approximately 15% of poor bridge deck area across the state, under the 10-Year Plan.
- New HB 23-1276 expanded BTE eligible projects.
- Funding gap identified between FY 24 - FY27 is \$350M to \$450M for BTE.
- Evaluated multiple financing vehicles that are available to support implementation of 10-Year Plan projects.
- Considering long- and short-term revenue bonds or bank loans - after further consideration the long-term revenue bonds are the choice for now due to their comparable flexibility for program delivery and other factors related to unforeseen needs. A contemplated transaction schedule includes a January 2024 Transaction closing, on a fast track. Would require hiring more support staff for this effort.

**Mountain Rail Update (Information) (John Putnam, David Singer, and Chris Enright), [Recording Timestamp 02:32:46](#)**

**Purpose and Action:**

To update the Commission on recent activities and opportunities related to a proposal for mountain rail and to request TC Program Reserve funds be utilized for a Service Development Plan (SDP). The requested action is approval of the FY 24 Budget Amendment this month that includes \$5 million from the TC Program Reserve to accelerate transit and rail planning, including the development of an SDP for mountain rail. This plays into the Governor’s agenda for sustainable growth in an effort to maintain quality of life in Colorado.

**Discussion:**

- Coal plant closures will result in the opportunity to repurpose rail lines in Northwest Colorado to passenger rail.
- Multiple letters from community leaders have been received in support of the Northwest Passenger Rail concept.
- Two subdivisions under consideration for exploring opportunities - Moffat Tunnel Subdivision and Craig Subdivision to connect to the AMTRAK California Zephyr Line.
- Corridor development is what a Service Development Plan is all about - a planning framework to identify feasibility, conduct a market study, identify service needs, funding needs and potential funding sources, with context sensitive solutions to protect the environment.
- SDP costs are estimated to be \$5 million. The Project timeline considers federal grant funding options also.
- Decline in coal and other mining commodities are trending downward on existing freight rail lines, in conjunction with unprecedented anticipated federal investment (\$12 billion) in passenger rail investment in the next 2 to 3 years - there is a window of opportunity to consider. Long-term revenue needs still need to be addressed. The Governor is working on finding some matching funds that may be available for passenger rail and rail safety improvements. Also working with Railroads on this, who also see a future for passenger rail on the line. Governor and state considers this as a complimentary project vs. having concerns with Colorado projects competing with this project concept, and the state also needs to consider the continuation of freight service too. Colorado has adequate legal support staff working to ensure compliance with laws and regulations.



- The CDOT department that will oversee this SDP will be the Division of Transit and Rail under the Office of Innovative Mobility.

## **Audit Review Committee (ARC) (Frank Spinelli), [Recording Timestamp 03:13:22](#)**

Committee Members include: Commissioner Eula Adams, Chair; Commissioner Karen Stuart; and Commissioner Terry Hart

### **Agenda**

- Call to Order - No specific actions for today's meeting, but will have action items in November. Today cover the mission and objectives of the Audit Committee for today.
- Motion to Approve June 14, 2023 Minutes - Tabled for the next ARC meeting scheduled for November.
- Authority of the Audit Division was discussed - by State Statute Section 43-1-106
- Consulting Services Audit Division Provides (External Audits)
- Internal Audits - ARC conducts one to two a year based on a risk assessment for checking compliance and efficiency. Various areas of CDOT are audited each year.
- Status of the Audit was discussed with the ARC Recommendations those that are closed and those that are still open.
- Resources ARC has - staff and functions were covered - the first formal ARC meeting will occur in November.

### **Adjournment**

## **Transportation Commission Regular Meeting**

**Thursday, October 19, 2023**

**9:00 am to 10:20 am**

[October 19, 2023 Transportation Commission Meeting Recording](#)

### **Call to Order, Roll Call**

Eleven Transportation Commissioners were present: Chair: Karen Stuart, Vice Chair: Terry Hart, Eula Adams, Terry Hart, Yessica Holguin, and Mark Garcia, Shelley Cook, Hannah Parsons, Barbara Bowman, Megan Vasquez, Jim Kelly and Rick Ridder were in attendance.

### **Public Comments [Recording Timestamp 00:02:00](#)**

- Chair Stuart noted that several public comments were received in written and email format regarding the Passenger Rail Project Support and opposition to TPR boundary changes - in those two categories.
- Sonja Macys, Routt County Commissioner - served on the Steamboat Springs City Council and the Rural Electric Cooperative Board. Supported Northwest Colorado Passenger Rail project in the Northwest Area of Colorado. WE have a strong local coalition formed including of Ski Areas, Chambers of Commerce, local governments, private citizens, and and owners of rail

spurs are in support of this project. Current commuting information notes that 2,700 commuting from Craig, 800 from Hayden, and 850 from Sout Routt County. Hoping to establish a Regional Transportation Authority, which is under study now to bring forward to a ballot in November 2024, to help fund this project. Considering a lift ticket tax to support passenger rail in Northwest Colorado. Willing to partner in seeking outside funding. Passenger Rail is important for the entire state. Please consider approval of the Service Development Plan.

- Matt Frommer, SWEEP - Clean Transportation and Land Use Policy - Coalition - make transportation clean, efficient and affordable - Crystal Valley Interchange approval - expressed opposing this approval as the TDM requirement is not met. Area is not supportive of walkability or transit with current density levels of the area. Noted the CDOT GHG Rules that passed. PD 1601 is the only meaningful tool to use to support the land use decisions that create more sustainable communities and reduce household driving.
- David Mintzer - Colorado Chapter for Physicians for Social Responsibility - advocating for the environment. GHG Reduction policy - very serious concerns with CDOT meeting goals of the policy - walking trips increase - despite pedestrian infrastructure not constructed and less than 10% going to alternative transportation projects. Conflict with increased working from home and transit use returning to pre-pandemic levels by 2030. Zoning changes to help may not materialize. Highway and interchange expansions conflict with the GHG emission reduction goals. Mandate requires CDOT reports submit by April - need to report in TC minutes. We are not on track to meet our mandates. GHG Mitigation April Report was requested. CDOT staff will reach out to David Mintzer.

### **Comments of the Chair and Individual Commissioners [Recording Timestamp 00:14:14](#)**

- Commissioner Adams - thanked CDOT staff for work and dedication for on initiatives. Encouraged by passenger rail discussions. Traveled in Europe on rail and appreciated how well it works.
- Commissioner Holguin - attended Denver Regional Transportation Commission (RTC) meeting, and Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) meeting - where a great discussion of Bus Rapid Transit. Exciting to imagine a multimodal system as a vision that would benefit everyone. Done in other areas and need to think about it in a different way. Rapid Service with High Frequency is needed. Dedicated Lanes for BRT. And improve our economic system, and a system that works for all through the work of this enterprise.
- Commissioner Garcia - recognized CDOT staff for work on the construction projects and preparing for winter with the largest capital budget for projects this year. Sits on Clean to Transit Enterprise - with five for Zero Emissions grant submittals - first round of grants - \$327K awarded \$297K to four projects. The fifth grant needs more work. TC Committee assignments being worked out - Chairing the SB and Diversity Committee with Commissioner Holguin and serving on the Fiber Committee.
- Commissioner Cook - learning TC matters at present. Attended the DRCOG annual awards dinner. Listened in on the Jefferson County Transportation Advisory Group (TAG) meeting. Heard a good presentation by CDOT staff on what is occurring in JeffCo.
- Commissioner Kelly - as a new Commissioner noted that he is initially overwhelmed. Staff has been very helpful. Recognized Jennifer Uebelher for her support and answering questions.

- Commissioner Vasquez - is still in the fire hose stage of learning. Thanked CDOT staff for their support and Commissioner Stuart. Heather Paddock's support was noted as appreciated. Glad TC works together so well already.
- Commissioner Ridder - recognized staff for their help and support. Attended the STAC and was impressed with the participation, interest and their commitment to transportation across Colorado. Commissioner Macys' comments were appreciated.
- Commissioner Parson - thanked Shane Ferguson, CDOT Region 2 Transportation Director for his help. Attended CFR TPR and PPACG in Fairplay meetings. It was enjoyable to attend these meetings. District 9 breakfast and met with regional stakeholders. Getting to know people in Region 9.
- Commissioner Bowman - is learning the role of a Commissioner, and thanked Jason Smith, Kathy Hall, and Mark Rogers to bring her up to speed. Attended a CDOT staff organized TC retreat yesterday that was fantastic. Trip to Europe recently was multimodal - planes, trains and buses. Free Fare in August was very successful in Grand Valley Transit and ridership is closer to pre - pandemic levels. Attended IMTPR meeting on October 4 - where they conducted a straw poll vote for boundary options, and they are moving forward. Attended a Grand Valley Transit Committee meeting, looking forward to the October 26 Brush Creek Park-n-Ride ribbon cutting ceremony, and Gunnison TPR on November 9th.
- Commissioner Hart - TC Vice Chair - thanked folks for the public comments submitted in writing and those who came in person. These comments mean a lot and are taken into consideration. Railroad derailment in District 10 - a difficult event. Reported on how well CDOT staff reacted to this incident. SB lanes are open and NB lanes will be open later today. Lessons learned from this event in terms of detours established along CO 115 and elsewhere in accommodating the higher level of traffic. Big supporter of passenger rail and interested in the Mountain Passenger Rail and supportive of this type of project. Presentation earlier today with local sustainable funding options noted.
- Commissioner Stuart - thanked CDOT staff - Jennifer Uebelher. Herman Stockinger, and Kathy Young of the Attorney General's Office staff for support with the TC retreat. The Commission is fully engaged. Back page of agenda - information only items - Grants memo is wonderful in terms of reporting grant status. Transportation Trends report - comes out of GHG work and tasks.

## **Executive Director's Management Report (Shoshanna Lew) [Recording Timestamp 00:35:36](#)**

- Herman Stockinger, CDOT Deputy Executive Director, noted that Executive Director Lew met with Federal officials in Pueblo and then left directly for D.C. for a planned trip, and could not attend the meeting today.
- Director Lew, if present, would recognize Region 2 RTD, Shane Ferguson, for his work in incident commanding the Pueblo train derailment event.

## **Chief Engineer's Report (Keith Stefanik) [Recording Timestamp 00:36:34](#)**

- CDOT commitment to transportation safety. A steady incline FY 19-23 fatalities and serious injuries increasing, but now starting to see the numbers leveling off a bit between FY 23-24.
- Wildlife crossings are one focus of many considerations to improve safety.
- Construction and capital work across the state is occurring and the health of the construction program was assessed. \$868M was the goal to be paid out, and CDOT is on track to either meet or exceed the advertising deadlines.

## CTIO Report (Piper Darlington) [Recording Timestamp 00:41:22](#)

- CTIO held the monthly Board meeting yesterday with no action items but discussed the I-25 Gap tolls going live and discussed our toll rate adjustment policy. Dynamic tolling including criteria into that policy. Commissioner Cook was recognized for attending the Board Meeting.
- Safety enforcement related to express lanes - TLRC bus tour, and staff attended many meetings and CTIO role in improving safety. I-25 US 36 - E-470 have safety enforcement. Moving into a civil penalty phase. Trend of violations has gone down a bit since it was initiated by 29%. Commissioner Garcia suggested more CTIO notification of how to enroll (get a transponder) in E-470 tolling. Thanked Matt Inzeo's team for their support with this program to communicate important information. In the fall the CTIO conducts a survey to see how to improve safety and communications.
  - Enforced by technology now permitted. located on center median barriers vs. requiring a physical officer.
  - Commissioner Adams noted Communications folks attend relevant meetings to make how to get the word out on tolling. We appreciate what the Communications staff does.
  - Commissioner Stuart noted express lanes are also used by buses to avoid traffic jams.

## Federal Highway Administration (FHWA) Division Administrator Report (John Cater) [Recording Timestamp 00:49:18](#)

- FHWA Administrator, Shailen Bhatt, was here in Colorado visiting earlier this week for the Pueblo train derailment tragedy. Lots of impacts on people's daily lives during this closure. The response was well conducted. One lane is already open. Hopefully the other open today.
- In terms of Safety - AASHTO Safety Summit conducted. Fatalities have gone up nationally. Fatalities used to be roughly 400, and now the number is in the 700s. Nationally the same trend is up - were in low 30,000s now in low 40,000s for fatalities.
- National Challenge using proven safety countermeasures - roundabout, center medians, rumble strips, protected bike lanes - 28 tactics identified. Also need to change driver behavior. Using technology for enforcement of violations.

## STAC Report (Vince Rogalski- STAC Chair) [Recording Timestamp Recording Timestamp 00:00:0000:54:60](#)

- The Transportation Legislation Review Committee (TLRC) reviewed drafts of 10 bills and 5 got picked to be carried on next year, including: 1. Vulnerable road user protection enterprise, 2. Child Passenger Safety Education, 3. Railroad safety requirements regarding train length and increased firefighter training, 4. Accountability requirements added in towing carrier regulations, and 5. Methods to Increase the use of transit with transit tax credits, universal passes, etc.
- NHTSA (Natl Highway Traffic Safety Admin) in first half of the year reported 19,505 motor vehicle crash fatalities
- Discussed the status of staff recommendation for the TPR HB 23-1101 - Boundary Study
- The Program Distribution STAC recommendation for the Multimodal Transportation Mitigation Options Fund (MMOF) formula was approved.

- \$179 M Redistribution funds was discussed with the STAC and the proposal for expending these dollars.
- The STAC is now in a virtual meeting phase with the next in-person meeting is not anticipated to occur until May; there will be no December STAC meeting, and the next STAC election is scheduled for October 2024.

**Act on Consent Agenda (Herman Stockinger) [Recording Timestamp 00:00:00](#)  
[Recording Timestamp 01:06:17](#)**

Proposed Resolution #1: Approve the Regular Meeting Minutes of September 21, 2023 - Herman Stockinger

- Proposed Resolution #2: IGA Approval >\$750,000 - Lauren Cabot
- Proposed Resolution #3: Confirmation of TC Committee Appointments - Herman Stockinger
- Proposed Resolution #4: CDOT Workforce Staffing Agility (FTE cap) - Anna Mariotti
- Proposed Resolution #5: Disposal: 8-A-EX, Commerce City - Jessica Myklebust
- Proposed Resolution #6: Disposal: 79-EX, Idaho Springs - Jessica Myklebust
- Proposed Resolution #7: Adoption of PD. 1607 - Herman Stockinger, Sari Weichbrodt, David Singer - as amended with revised language based on conversation yesterday.

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

**Discuss and Act on Proposed Resolution #8: 4th Budget Supplement FY 2023-2024 (Jeff Sudmeier) [Recording Timestamp 01:06:58](#)**

A Motion by Commissioner Adams to approve, and seconded by Commissioner Holguin passed unanimously for additional funds going to Eisenhower Johnson Tunnel improvements for \$2.3 million.

**Discuss and Act on Proposed Resolution #9: 3rd Budget Amendment FY 2023-2024 (Jeff Sudmeier) [Recording Timestamp 01:09:20](#)**

A Motion by Commissioner Garcia to approve with a change of the whereas of \$20 million to \$23 million for the cost escalation fund, and this motion was seconded by Commissioner Holguin and passed unanimously. Nine items (workshop list) totaling \$119.9 million funded from: TC Program Reserve, the end of year reconciliation process and primarily the redistribution funds.

- Commissioner Parsons noted her support for this and appreciation for the collaboration and discussion at the workshop on this, and noted that the Front Range Passenger Rail is going through a similar service development plan that the Mountain Passenger Rail Plan is seeking.

**Adjournment at 10:20 am**





**COLORADO**  
Department of Transportation  
Office of the Chief Engineer

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

## Memorandum

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**TO: Transportation Commission**

**FROM: Lauren Cabot**

**DATE: November 2, 2023**

**SUBJECT: Intergovernmental Agreements over \$750,000.00**

Purpose Compliance with CRS §43-1-110(4) which requires intergovernmental agreements involving more than \$750,000 must have approval of the Commission to become effective. In order stay in compliance with Colorado laws, approval is being sought for all intergovernmental agencies agreements over \$750,000 going forward.

Action CDOT seeks Commission approval for all IGAs contracts identified in the attached IGA Approved Projects List each of which are greater than \$750,000. CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project.

Background CRS §43-1-110(4) was enacted in 1991 giving the Chief Engineer the authority to negotiate with local governmental entities for intergovernmental agreements conditional on agreements over \$750,000 are only effective with the approval of the commission.

Most contracts entered into with intergovernmental agencies involve pass through funds from the federal government often with matching local funds and infrequently state money. Currently, CDOT seeks to comply with the Colorado Revised Statutes and develop a process to streamline the process.



Next Steps Commision approval of the projects identified on the IGA Project List including all documents necessary to further these projects except where there are substancial changes to the project and/or funding which will need reapproval. Additionally, CDOT will present to the Commission on the Consent Agenda every month listing all of the known projects identifying the region, owner of the project, project number, total cost of the project, including a breakdown of the funding source and a brief description of the project for their approval. CDOT will also present any IGA Contracts which have already been executed if there has been any substantial changes to the project and/or funding.

Attachments IGA Approved Project List





**MEMORANDUM**

**TO: THE TRANSPORTATION COMMISSION**  
**FROM: STEPHEN HARELSON, P.E. CHIEF ENGINEER**  
**DATE: NOVEMBER 16, 2023**  
**SUBJECT: UPDATED DISPOSAL PARCEL 13-EX, US 40 MP 129.5 TO 129.8, STEAMBOAT SPRINGS**

**Purpose**

CDOT Region 3 is proposing to dispose of Parcel 13-EX, which is a narrow strip of right of way adjacent to US Hwy 40 between MP 129.5 and 129.8 near Steamboat Springs. This property 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 12,640 sq ft (0.29 acres) of right of way that is no longer needed for transportation or maintenance purposes.

**Background**

CDOT acquired Parcel 13-EX as an overflow channel. The property is situated between privately-owned land and the extended Steamboat Springs recreation path. CDOT would like to dispose of the subject property, as it is no longer needed for transportation or maintenance purposes.

This item was submitted to the TC and approved in December of 2022. Since that time, a new survey has been completed, and the square footage is approximately 1,200 sq ft. less than indicated on the previous item submitted. No other details of the request have changed.

**Next Steps**

Upon approval of the Transportation Commission, CDOT will sell the subject parcel 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. CDOT will execute quitclaim deeds to convey the subject properties. The deeds will be recorded in the office of the Routt County Clerk and Recorder.

**Attachments**

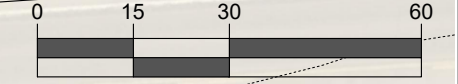
Exhibits Depicting the Disposal Property





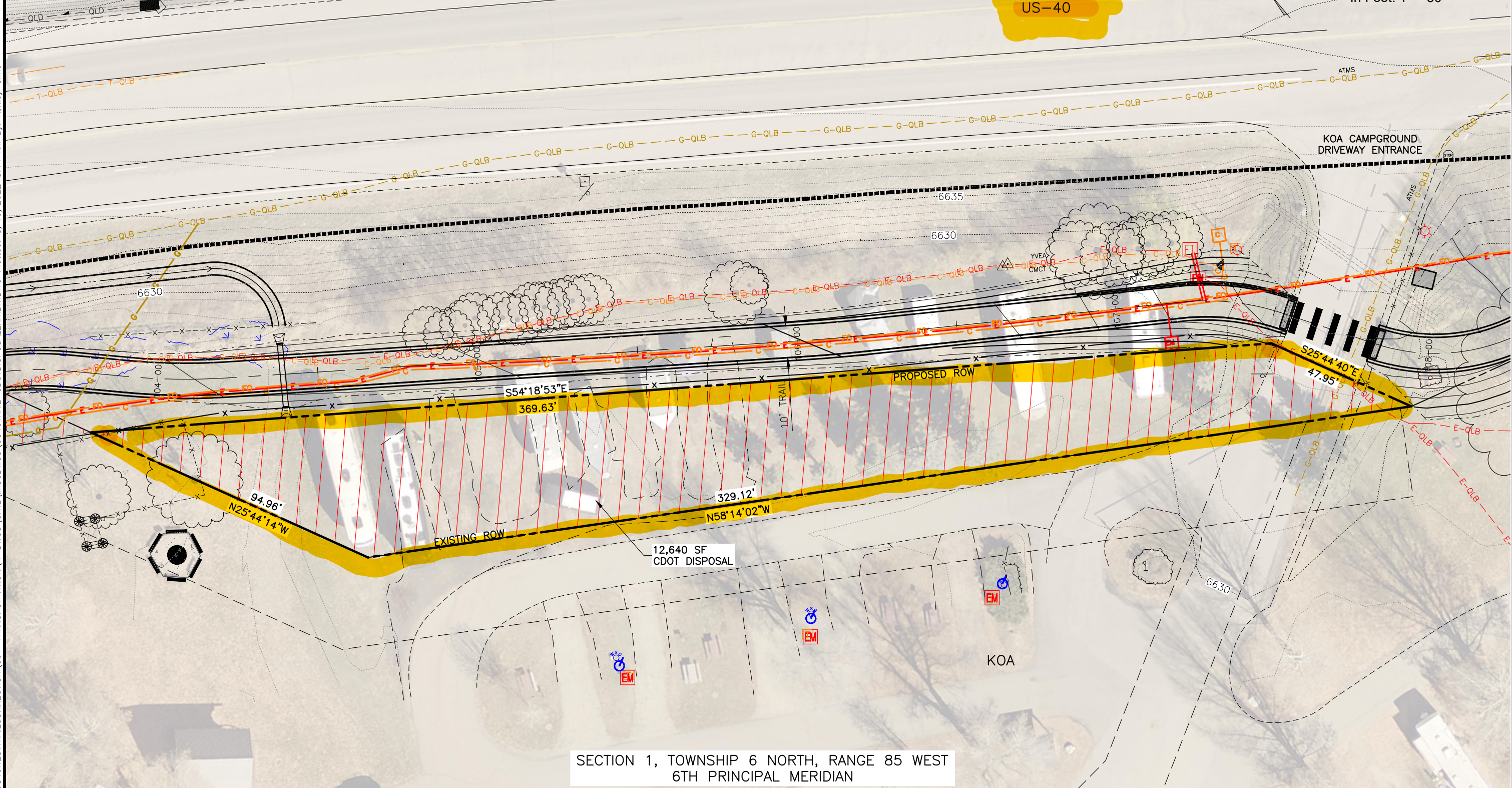
I:\2021\2021-380-US40WESTTRAILCONNECTION\001-TRANSPORTATION\H-DWGS\CIVIL\MISC\DWGS\_US40TRAIL-CDOTDISPOSAL\EXHIBIT.DWG Plotted: 8/19/2022 8:44 AM By: Ashley Cline

Graphic Scale



In Feet: 1" = 30'

US-40



SECTION 1, TOWNSHIP 6 NORTH, RANGE 85 WEST  
6TH PRINCIPAL MERIDIAN

Computer File Information		Sheet Revisions				City of Steamboat Springs		SGM		As Constructed		US-40 WEST TRAIL CONNECTION CDOT DISPOSAL EXHIBIT			Project No./Code		
Print Date: 8/19/22		Rev.	Date	Comments	Init.			 118 West Sixth Street, Suite 200 Glenwood Springs, CO 81601 970.945.1004 www.sgm-inc.com		No Revisions:		Engineer: AMC Drawn By: AMC Sheet Subset: PP			Project No./Code		
Last Modification Date: 09/09/21		1			Revised:					Structure Numbers					---		
Drawing File Name: US40Trail-CDOTDisposalExhibit					Void:					Subset Sheets					---		
Autocad Ver. 2020 Scale: As Shown										Page 166 of 242		Sheet Number					
SGM Project No.: 2021-380.001	Quality Control: RGN																





**COLORADO**  
**Department of Transportation**  
Division of Transportation Development

2829 W. Howard Place  
Denver, CO 80204-2305

**MEMORANDUM**

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**TO:** THE TRANSPORTATION COMMISSION  
**FROM:** NYSSA BEACH, REGION 1 SOUTH RESIDENT ENGINEER  
NATHAN LINDQUIST, SENIOR LAND USE PLANNER, DIVISION OF  
TRANSPORTATION DEVELOPMENT  
**DATE:** 11.16.2023  
**SUBJECT:** Summary of Crystal Valley Interchange 1601 October Workshop

**Purpose**

The 1601 policy and procedural directives outline the guiding principles and steps necessary to approve a new interchange or interchange modification on the interstate, freeway, or state highway system.

The Crystal Valley Interchange is a Type 1 request, subject to approval by the Transportation Commission. The Type 1 category includes proposals for new interchanges on the state highway system with a functional classification of interstate or freeway.

The 1601 Procedural Directive states that new interchanges within an MPO boundary should make a good faith effort to reach a 3% reduction in Average Daily Trips (ADT) at the interchange on-ramps. As the Crystal Valley Interchange is within DRCOG boundaries, the goal for TDM Strategies at the Crystal Valley Interchange is to reach a reduction of 575 trips which is 3% of the total ADT at the interchange.

**Action**

Resolution for Crystal Valley Interchange 1601 Interchange Approval is requested at the November TC Meeting.

The Final System Level Study for approval is located in the following link:

[https://drive.google.com/drive/folders/1anFHNloSe\\_rPM75XmVektfjZQUhoNHm-?usp=sharing](https://drive.google.com/drive/folders/1anFHNloSe_rPM75XmVektfjZQUhoNHm-?usp=sharing)

**Background**

The Crystal Valley Interchange project is located within the Town of Castle Rock and Douglas County, approximately 2.5 miles south of Downtown Castle Rock and the Plum Creek Interchange. The Dawsons Trails development is planned on the west side of I-25 at the proposed Crystal Valley Interchange.





The Purpose and Need of this project includes: regional mobility and multimodal benefits, enhancing the local ancillary roadway network, public safety and operational improvements, improved I-25 incident response, and evacuation efficiencies, elimination of one at-grade railroad crossing.

The total project cost is \$124.6 million and the project is fully funded, primarily with local dollars. Castle Rock has committed to implementing the following TDM strategies within the 5 year timeline set by the 1601 Procedural Directive. These strategies add up to 1.5% ADT reduction. In order to reach the 3% ADT reduction goal, Castle Rock will continue to work to finalize details on other TDM strategies in future years, and strategy implementation will occur beyond the 5-year window.

Please note: The Town of Castle Rock is committed to meeting the ultimate 3% reduction, their “good faith effort” considers their effort, commitments, and provides the town with additional time to meet the reduction.

Castle Rock is working to answer unknowns for additional strategies, and flexibility in how they will reach the 3% ADT reduction is needed at this time.

In the Intergovernmental Agreement (IGA) with CDOT, Castle Rock will identify performance metrics, milestones, and commitment agreements for each strategy that will determine how and when ADT reduction may be obtained.

These strategies include but are not limited to:

1. Mixed-Use Development
2. local microtransit shuttles
3. intercity transit

### **Next Steps**

1. NEPA (Re-evaluation) and Interchange Access Request (IAR) approval per Federal requirements.
2. Finalize IGA's as required and itemized per TC Resolution.



**COLORADO**

**Department of Transportation**

# Policy Directive 1601: Crystal Valley Interchange

## Transportation Commission Workshop: Summary for Requested Resolution

Stephanie Alanis - Region 1 South Program Engineer

Nyssa Beach - CDOT Region 1 Resident Engineer

Nathan Lindquist Senior Land Use Planner, DTD Multimodal Planning Branch

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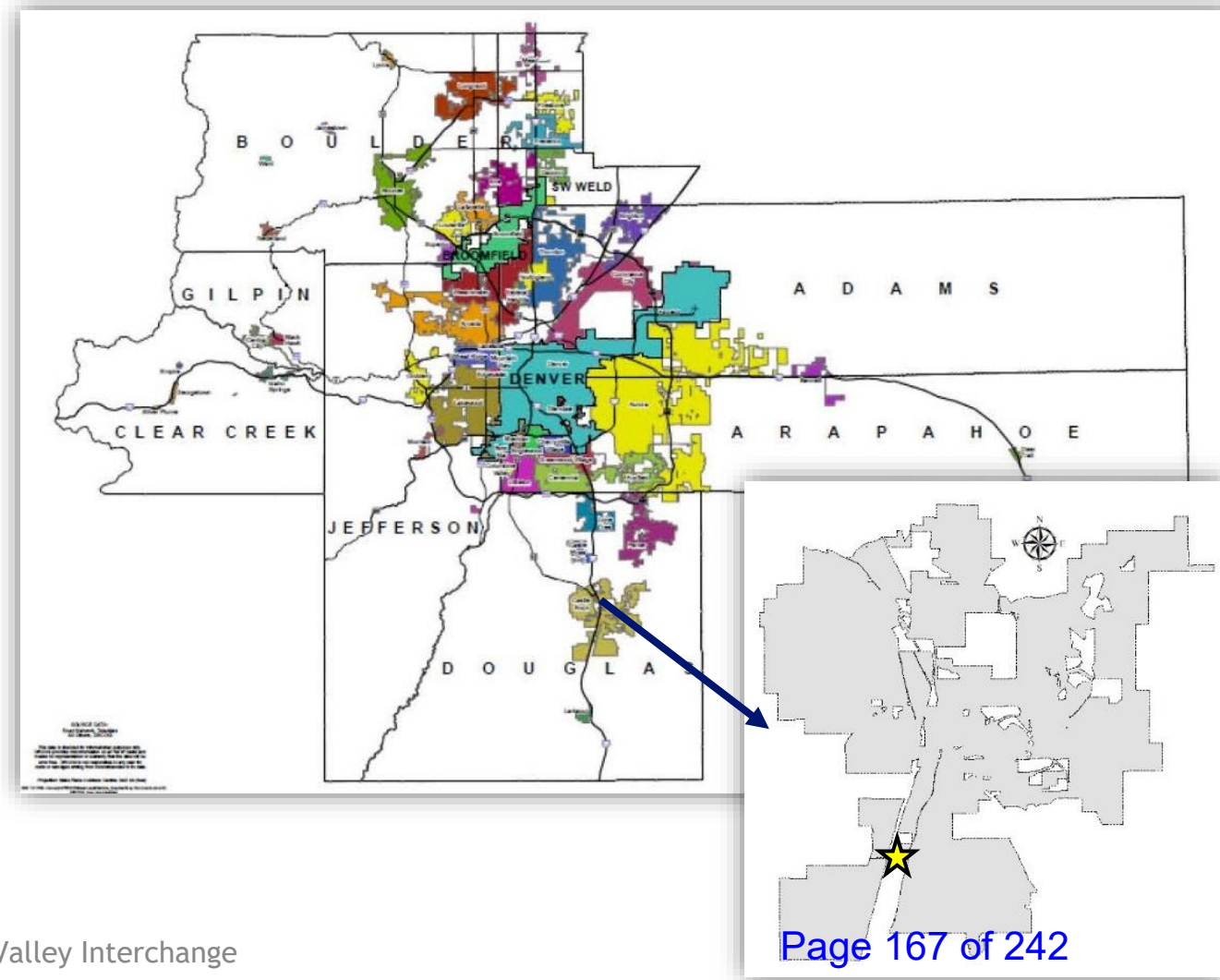
11/16/23





# Crystal Valley Interchange Vicinity Map

- The proposed Crystal Valley Interchange is located within the Town of Castle Rock
- I-25 Corridor within Douglas County
- Approximately 2.5 miles south of Downtown Castle Rock
- The Dawson Trails development is planned on the west side of I-25





# Interchange Design







# Construction Phasing

- Construction Phasing
  - Package 1
  - Package 2







# Transportation Demand Management in 1601 PD

- The Town staff worked closely with DRCOG and CDOT staff to identify additional TDM strategies
- The resulting TDM Plan remains consistent with 1601 PD. The effect of some of these TDM strategies will be realized beyond year five (5)
- Since the October workshop, staff met with the applicant and firmed up milestones and reporting requirements to reach the 3%.
- The IGA will require Castle Rock to submit a plan to reach 3% in 2027.

	Percent Reduction of ADT
PD 1601 Goal	3.0%
Crystal Valley Interchange (including strategies beyond Year Five)	3.0%





# Project-Specific Transportation Demand Management Plan

Crystal Valley TDM Strategy	Annual Daily Traffic Trip Reduction
Bicycle and Pedestrian Facilities	150 trips
Schoolpool Program	33 trips
Vanpool Program	16 trips
Ridematching Carpool Program	51 trips
Park-n-Ride / Carpool Lot	30 trips
Total ADT reduction within 5 years	280 trips
Total ADT reduction past 5 years	296 trips
Three (3) Percent Goal	575 trips

- The current rural conditions of the area makes it difficult to reliably achieve a 3.0% reduction in the first five years of operations





# Project-Specific Transportation Demand Management Plan

Crystal Valley TDM Strategy	Trip Reduction	Notes
Local Transit Planning	No trip reduction credit	Planning will occur in first five years; any potential service will be beyond five-year horizon
Shuttles, Feeders and Paratransit	No trip reduction credit	Town-wide service; calculation cannot be determined
Intelligent Transportation Systems (ITS)	No trip reduction credit	Insufficient data to calculate a reduction at this time
Transportation Management Organization Study	No trip reduction credit	Study will occur within first five years; Insufficient data to calculate a reduction at this time
Event-Related TDM Programs	No trip reduction credit	Insufficient data to calculate a reduction at this time
Guaranteed Ride Home Program	No trip reduction credit	Insufficient data to calculate a reduction at this time



**COLORADO**

Department of Transportation

Questions?

Stephanie Alanis

South Program Engineer, CDOT Region 1

[nyssa.beach@state.co.us](mailto:nyssa.beach@state.co.us) | 303.746.8639

Nyssa Beach

Resident Engineer, R1 South Engineering Program

[nyssa.beach@state.co.us](mailto:nyssa.beach@state.co.us) | 303.746.8639

Nathan Lindquist Senior Land Use Planner, DTD Multimodal Planning Branch

[nathan.lindquist@state.co.us](mailto:nathan.lindquist@state.co.us) | 303.757-9760



**Bridge and Tunnel Enterprise Board**  
**Meeting Minutes**  
**October 19, 2023**

PRESENT:           Yessica Holguin, District 1  
                  Shelley Cook, District 2  
                  Eula Adams, District 3  
                  Karen Stuart, Chair, District 4  
                  Jim Kelly, District 5  
                  Rick Ridder, District 6  
                  Barbara Bowman, District 7  
                  Mark Garcia, District 8  
                  Hannah Parsons, District 9  
                  Terry Hart, Vice-Chair, District 10  
                  Megan Vasquez, District 11

EXCUSED:

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

- Regular Meeting Minutes of October 18, 2023
- 3rd BTE Budget Supplement of FY 2023-2024
- Draft FY2024-25 BTE Budget Allocation Plan



**MEMORANDUM**

**TO:** The Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Jeff Sudmeier, Chief Financial Officer  
**DATE:** November 16, 2023  
**SUBJECT:** Third Supplement to The Fiscal Year 2023-24 Bridge and Tunnel Enterprise Budget

**Purpose**

This month the Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve a budget supplement request for one project.

Region 5 requests a budget supplement to establish the construction phase budget for the US285 ML over Draw in Chaffee County (structure number J-12-AJ).

**Action**

Staff is requesting Board approval of Proposed Resolution #BTE-2, the Third budget supplement to the Fiscal Year 2023-24 BTE budget.

**Background**

**Region 5: US 285 ML over DRAW (J-12-AJ)**

This request is to establish the construction phase for J-12-AJ, which is being repaired as part of a larger Region 5 culvert repair project that will address 5 (4 minor, 1 major) total structures. The structure is a CDOT-owned culvert in Chaffee County constructed in 1957. The BTE eligible structure carries Three-mile Creek (Draw) under US 285 ML at MP 136.1. The culvert rating for the structure is currently a “4”, which correlates to a condition rating of “poor” and classification as structurally deficient. The culvert is a second tier structure in the July 2023 BTE Bridge Prioritization Plan. Funding is being requested at this time to capitalize on the opportunity to achieve cost savings and schedule acceleration by repairing the structure as part of the larger culvert repair project.

The existing structure will be rehabilitated and will remain in place. The work consists of first grouting the voids around the culvert through the existing holes and installing epoxy coated dowels and two layers of welded wire fabric along the invert. Class DF concrete will be placed at a 5-inch thickness along the entire flowline of the pipe. The grading outside of the culvert will be re-graded to match the higher profile and reorient the stream bed to better align with the location of the culvert. This repair is expected to mitigate the progressive deterioration of the culvert invert and extend the service life a minimum of 30-year in accordance with BTE guidelines for rehabilitation projects.

US 285 ML over Draw in Chaffee County  
 (Old J-12-AJ) (Rehab no new number) (SAP Project # 26105)  
 Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BTE Supplement Action				Total Request	Revised Budget	Expended To-Date
			Year of Budget						
			FY 2024	FY 2025	FY 2026	FY 2027			
Construction	FASTER Bridge	\$ -	\$ 531,540	\$ -	\$ -	\$ -	\$ 531,540	\$ -	\$ -
		\$ -	\$ 531,540	\$ -	\$ -	\$ -	\$ 531,540	\$ -	\$ -
<b>Total Project Budget</b>		\$ -	\$ 531,540	\$ -	\$ -	\$ -	\$ 531,540	\$ -	\$ -
			Year of Expenditure				Total Request		
			FY 2024	FY 2025	FY 2026	FY 2027			
			\$0	\$531,540	\$0	\$0	\$531,540		





**Available Funding**

If the Board approves the requested budget supplement for \$531,540 the remaining available FY24 FASTER funds balance is \$25,739,794. The table below provides high-level transaction details for this BTE funding source.

**FASTER- Bridge Safety Surcharge Funding Balance, Fiscal Year 2024  
BTE Funding Source, Year of Budget**

Starting FY Budget Balance	\$74,367,040
Year-to-Date Roll forwards or Project Savings	\$10,294,029
Approved Project Transactions ( <i>BOD, EMT or Staff Authority per PD 703</i> )	-\$58,389,735
Pending Budget Supplement	-\$531,540
<b>Remaining Available Balance</b>	<b>\$25,739,794</b>

**Next Steps**

Approval of Proposed Resolution #BTE-2 will allow for the US285 ML over Draw (J-12-AJ) culvert repair to proceed to advertisement as part of the larger Region 5 culvert repair project.





MEMORANDUM

**TO:** The Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Jeff Sudmeier, Chief Financial Officer  
Patrick Holinda, Bridge and Tunnel Enterprise Manager  
**DATE:** November 16, 2023  
**SUBJECT:** Bridge and Tunnel Enterprise Fiscal Year 2024-25 Final Proposed Annual Budget

**Purpose:**

This month the Bridge and Tunnel Enterprise Board of Directors (Board) is being presented with a Statewide Bridge and Tunnel Enterprise fiscal year (FY) 2024-25 Final Proposed Annual Budget for Special Revenue Fund (C.R.S 43-4-805(3)(a) 538) (Fund 538) for approval.

**Action:**

The Board is being asked to approve the FY 2024-25 Final Proposed Annual Budget.

**Background:**

In coordination with the Office of Financial Management and Budget (OFMB), Bridge and Tunnel Enterprise (BTE) is presenting a FY 2024-25 Final Proposed Annual Budget. BTE will return in February 2024 with the Final Annual budget for review and comment. Ultimately, BTE will request approval and adoption of the Final FY 2024-25 budget in March 2024.

**Details:**

Estimated Bridge and Tunnel Enterprises revenues for FY 2024-25 are \$158.8 million. The primary revenue sources for the Enterprise that are used to fund projects to mitigate the impact of vehicles utilizing the state's bridges and tunnels are:

- *Line 2: \$110,404,944 for FASTER Bridge Safety Surcharge Fee.* In 2009, Funding Advancement for Surface Transportation and Economic Recovery, otherwise known as FASTER, was signed into law. The legislation authorized BTE to collect a bridge safety surcharge dedicated to funding projects to address on-system, poor-rated bridges. The surcharge ranges from \$13 to \$32, based on the vehicle weight, and is collected annually when vehicles are registered in the state.
- *Line 3: \$22,217,321 for Bridge and Tunnel Impact Fee.* In 2021, SB21-260, also known as Sustainability of the Transportation System, authorized the Enterprise to impose a Bridge and Tunnel Impact fee on special fuel. This fee rate for FY 2024-25 is \$0.04 per gallon and gradually increases by \$0.01 each fiscal year until FY 2031-2032. After this time period, the fee will be adjusted annually based on inflation.
- *Line 4: \$8,913,041 for Bridge and Tunnel Retail Delivery Fee.* In 2021, SB21-260, also known as Sustainability of the Transportation System, dedicated a portion of the state's retail delivery fee to the Enterprise. The Bridge and Tunnel Enterprise receives a flat 10% of the annual fee rate that is placed on all retail deliveries. This fee is also adjusted annually based on inflation.

Overall projected revenues have been allocated to the following budget categories in the proposed FY 2024-25 budget for Fund 538:

- *Line 21: \$2,370,949 for Administrative & Operating Activities.* Funding in the category is used for expenses related to staff compensation, program support, and financing programs. The proposed budget reflects a shift from external consultant support to full time employees as the program brought on more internal staff in FY 2023-24 to support the program. Funding in this category will be used for ongoing program management,







# COLORADO

## Department of Transportation

Statewide Bridge and Tunnel Enterprise

implementation of HB23-1276: Scope of Bridge and Tunnel Enterprise, development and implementation of a new BTE asset management program, and other ongoing program management activities and initiatives. Any additional updates to this category or any changes related to the administration of the program will be reflected in the final budget presented in February.

- *Line 25: \$0 for Support Services.* Support services funding allows BTE to provide supplemental staffing or services on an as-needed or short-term basis thereby enabling BTE eligible projects and the BTE program to meet required schedules. An example of an activity performed under this category is scoping work, which is the process of evaluating BTE eligible structures to establish a scope of work for an upcoming project, developing an initial cost estimate, identifying potential project risks, and recommending a course of action to streamline project delivery and maximize return on investment. Another example, this funding was used to support CDOT with the development of a grant application for the I-270 Critical Bridges project on an accelerated timeline. No additional funding is currently being allocated to this line item as staff believe remaining roll forward balances from prior years will be sufficient based on current programmatic needs.
- *Line 29: \$1,056,271 for Maintenance.* BTE is responsible for paying CDOT to perform routine maintenance of all BTE bridges on its behalf. Major activities include snow removal, sweeping and trash removal. The FY 2024-25 budget allocation has been determined using factors such as the age and level of maintenance required for the existing population of BTE bridges as well as structures that are forecasted to be transferred from CDOT to BTE (rehabilitation projects) or acknowledged by BTE (replacement projects).
- *Line 33: \$1,000,000 for Bridge Preservation.* In FY 2012-13 a Pilot Preservation Agreement (Agreement) was executed between the legacy Bridge Enterprise (BE) program and CDOT to initiate a Pilot Bridge Preservation Program. Per the Agreement, BE committed to budgeting a minimum of \$100,000 annually for exploring preservation techniques on BE bridges. Additionally, this funding will be used to perform more extensive bridge preventative maintenance treatments, such as joint repair or replacement, waterproofing, and deck overlays, on aging BTE-owned bridges.
- *Line 38: \$49,282,801 for Debt Service and Availability Payments.* Funding in this category includes payments for the Series 2019A refunded bonds, the Series 2010A bond issuance, and the BTE share of the Central 70 availability payment for FY 2024-25.
- *Line 42: \$105,099,726 for the Bridge and Tunnel Enterprise Construction Program.* This funding will be used to program BTE eligible capital construction projects based on the BTE Four-Year Plan and the CDOT Ten-Year Plan. Requests to allocate this funding to individual BTE projects will be brought before the Board of Directors via the monthly budget supplement process.

### Next Steps:

- 1) Approval of the Bridge and Tunnel Enterprise Fiscal Year 2024-25 Final Proposed Annual Budget will allow BTE's budget allocations to be updated in the CDOT narrative budget and one-sheet.
- 2) Over the next several months, OFMB and BTE program staff will be finalizing the budget. Key tasks will include reviewing updated FY 2024-25 revenue projections, aligning both the final BTE budget with the CDOT narrative budget and one-sheet, and reviewing all budget allocations.
- 3) In February 2024, BTE will present the Board with a final budget for review and comment.
- 4) In March 2024, BTE will request approval and adoption of the Final FY 2024-25 budget.

### Attachment:

Attachment A: Bridge and Tunnel Enterprise Fiscal Year 2024-25 Final Proposed Annual Budget





**COLORADO**  
**Department of Transportation**  
 Statewide Bridge and Tunnel Enterprise

**Attachment A: Bridge and Tunnel Enterprise Fiscal Year 2024-25 Final Proposed Annual Budget**

<b>Bridge and Tunnel Enterprise Fiscal Year 2024-25 Final Proposed Annual Budget</b>			
<b>Statewide Bridge and Tunnel Enterprise Special Revenue Fund (C.R.S 43-4-805(3)(a) 538)</b>			
<b>Line</b>	<b>Budget Item</b>	<b>Estimated</b>	<b>Proposed Allocations</b>
1	<b>Estimated Fiscal Year 2024-25 Revenue</b>		
2	FASTER Bridge Safety Surcharge Fee	\$ 110,404,944	
3	Bridge & Tunnel Impact Fee	\$ 22,217,321	
4	Bridge & Tunnel Retail Delivery Fee	\$ 8,913,041	
5	Interest Earnings	\$ 2,450,000	
6	US Treasury Subsidy for Build America Bonds	\$ 5,148,202	
7	Federal Funds for 2010A Bond Debt Service	\$ 9,626,239	
8	Central 70 Conduit Issuer Fee	\$ 50,000	
9	<b>Total Estimated Revenue</b>	<b>\$ 158,809,747</b>	
10			
11	<b>Estimated Allocations</b>		
12	<b>Administrative &amp; Operating Activities</b>		
13	Bridge and Tunnel Enterprise Staff Compensation		\$ (711,949)
14	Bridge and Tunnel Enterprise Program Support		\$ (1,400,000)
15	Attorney General Legal Services		\$ (50,000)
16	Annual Audit		\$ (35,000)
17	Travel Expenses		\$ (10,000)
18	Operating Expenses		\$ (4,000)
19	Trustee Fee		\$ (10,000)
20	Other consulting		\$ (150,000)
21	<b>Total Administrative &amp; Operating Activities</b>		<b>\$ (2,370,949)</b>
22			
23	<b>Support Services</b>		
24	Additional Project and Program Support Services		\$ -
25	<b>Total Support Services</b>		<b>\$ -</b>
26			
27	<b>Maintenance</b>		
28	Routine Maintenance on Bridge and Tunnel Enterprise Structures		\$ (1,056,271)
29	<b>Total Maintenance</b>		<b>\$ (1,056,271)</b>
30			
31	<b>Preservation</b>		
32	Bridge and Tunnel Preservation		\$ (1,000,000)
33	<b>Total Preservation</b>		<b>\$ (1,000,000)</b>
34			
35	<b>Debt Service and Availability Payments</b>		
36	2010A and 2019A Bond Debt Service		\$ (17,181,000)
37	Central 70 Availability Payment		\$ (32,101,801)
38	<b>Total Debt Service and Availability Payments</b>		<b>\$ (49,282,801)</b>
39			
40	<b>Construction Program</b>		
41	Funding for Bridge and Tunnel Enterprise Projects		\$ (105,099,726)
42	<b>Total Construction Program</b>		<b>\$ (105,099,726)</b>
43			
	<b>Total Fund 538 Revenues</b>		<b>\$ 158,809,747</b>
	<b>Total Fund 538 Allocations</b>		<b>\$ (158,809,747)</b>
	<b>Remaining Unbudgeted Funds</b>		<b>\$ (0)</b>





**MEMORANDUM**

**TO:** Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Jeff Sudmeier, Chief Financial Officer  
**DATE:** November 16, 2023  
**SUBJECT:** Resolution to Approve Bridge and Tunnel Enterprise Federal Bridge Investment Program Grant Funding Commitment

**Purpose**

The Statewide Bridge and Tunnel Enterprise Board of Directors (Board) is being asked to approve the attached resolution that commits Statewide Bridge and Tunnel Enterprise (BTE) funding for the replacement of nine bridges as part of the I-270 Corridor Improvements Project as state match funding for the USDOT Bridge Investment Program (BIP).

**Action**

Staff is requesting Board approval of Proposed Resolution #BTE4: Committing BTE funds for the Fiscal Year (FY) 2023 Bridge Investment Program Discretionary Grant Opportunity

**Background**

In September 2023, the U.S. Department of Transportation (USDOT) released a rolling Notice of Funding Opportunity (NOFO) for the “Large Bridge Project” category of the BIP. The BIP is a competitive, discretionary grant program that focuses on existing bridges to reduce the overall number of bridges in poor condition, or in fair condition at risk of falling into poor condition. The goals of the BIP are to: (1) improve bridge condition in the United States, (2) to improve the safety, efficiency, and reliability of the movement of people and freight over bridges, and (3) to provide financial assistance that leverages and encourages non-Federal contributions from stakeholders involved in the planning, design, and construction of eligible projects. Staff performed an evaluation to identify projects with the highest probability of award based on the evaluation criteria outlined in the NOFO. Through this process, the project described in this memo was identified as a top candidate for submission. The project was vetted by the Executive Management Team, and is a high priority for CDOT, BTE, and the numerous other project stakeholders. Additionally, the project is included in the CDOT 10-Year Plan and aligns with the Department’s strategic vision.

Unlike the first year of the BIP, when three funding categories were offered, this NOFO established only one BIP funding category: “Large Bridge” Projects for projects with total eligible project costs of greater than \$100 million. Future NOFO’s are anticipated to solicit applications for both the Planning category and the Bridge Project category (projects up to \$100 million). Staff are bringing the recommended project for the Large Bridge category to the Board in November due to the upcoming application deadlines of November 27, 2023.

**Details**

**Region 1: I-270 Corridor Improvements Project – Large Bridge Project Category**

The I-270 corridor provides a vital connection from I-70 to I-25 and I-76. Approximately 100,000 vehicles per day utilize this corridor to bypass the friction of downtown Denver to move goods, services, information, and people from the eastern edge of the city to north of the city. The I-270 Corridor Improvements Project will replace twelve bridges within a two-mile segment of the corridor between York Street and Dahlia Street that have been the source of many challenges to the mission of this corridor. Twelve bridges located within the project limits are shown below. The BTE contribution will fund a portion of the work to replace the eight “Poor” rated bridges plus one previously poor rated bridge as shown in the table below. This project is included in the CDOT 10-year plan and is aligned with the Department’s strategic vision.





Structure ID	Description	County	Deck Area (sq. ft.)	Condition Rating
E-17-IC	York Street over I-270 ML	Adams	17,390	Fair**
E-17-ID	I-270 ML WB over S. Platte River	Adams	12,478	Poor
E-17-IE	I-270 ML EB over S. Platte River	Adams	12,466	Poor
E-17-IF	I-270 ML WB over Burlington Canal	Adams	8,873	Poor
E-17-IG	I-270 ML EB over Burlington Canal	Adams	8,910	Poor
E-17-IH	I-270 ML WB over SH 265 ML & RR	Adams	14,917	Poor
E-17-II	I-270 EBND over SH 265 ML, UP & BNSF RR	Adams	14,948	Fair
E-17-IJ	I-270 WBND over Service Rd, & BNSF RR	Adams	13,693	Poor
E-17-IK	I-270 EBND over Service Rd, & BNSF RR	Adams	14,116	Fair
E-17-IN	270 EBND over Dahlia Street	Adams	6,254	Poor
E-17-IO	270 WBND over Dahlia Street	Adams	4,838	Fair
E-17-AT	I-270 ML WB over Service Rd. & RR	Adams	44,177	Poor
Total:			173,060	

\*\*A currently “Fair” bridge after repairs upgraded condition from “Poor” and remains eligible for BTE bridge replacement funding

Over time, the frequency and severity of planned and unplanned (emergency) bridge deck repairs on the I-270 corridor have increased due to potholes and deck deterioration on these structures. This intensive level of maintenance creates more strain on CDOT maintenance forces, consumes limited funding resources available for bridge repair and rehabilitation, and results in more frequent lane closures, traffic congestion, and impacts to the travelling public. The corridor lacks redundancy, and any detours during these emergency repairs require use of local roads or significant out-of-direction movements. Over 300 emergency repairs have been performed to the bridges along this corridor since 2006.

BTE Staff is requesting a \$100 million maximum in BTE state match funding to replace nine structures as part of the I-270 Corridor Improvements Project. Allocation of these funds will be contingent on the award of a grant through the BIP. The \$100 million in BTE funds will be coupled with \$52.5 million in CDOT strategic funding (other state funding sources) to achieve the minimum required 50% state funding match of \$152.5 million required for the grant application. The project, which has a total estimated cost of \$305 million, will be fully funded if the \$152.5 million BIP grant is awarded.

BTE program forecasts indicate that financing will be required to fund the project and maintain the current project delivery timeline. Various financing options are being evaluated by BTE and a project funding plan will be finalized once the scope, cost, and schedule of the project’s construction packages are more clearly defined.

**Next Steps**

1. CDOT will submit a grant application for the recommended Large Bridge Project in advance of the November 27, 2023 deadline.
2. If a grant is awarded, BTE staff will return to the Board requesting funding as part of the monthly budget supplement process.
3. If a grant is not awarded, CDOT and BTE will evaluate the viability of advancing this project to construction with other funding sources.
4. Staff will evaluate other bridge projects in BTE’s portfolio for competitiveness in the BIP Planning and the Bridge Project (projects up to \$100 million) categories when the future NOFO is released. Top candidates will be identified and brought to the Board at that time.







### Memorandum

**DATE:** November 16, 2023  
**TO:** Fuels Impact Enterprise Board of Directors  
**FROM:** Darius Pakbaz, Director, Division of Transportation Development  
Craig Hurst, Manager, Freight Safety & Mobility Branch  
**SUBJECT:** Adopting Enterprise Articles of Organization and Bylaws

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#### Purpose

This memorandum provides a summary of the proposed Articles of Organization and Bylaws for adoption by the Fuels Impact Enterprise Board of Directors (Board).

#### Action

Adoption of the Articles of Organization and Bylaws, through resolution.

#### Background

As defined in 43-4-1503 (1)(b), the Transportation Commission shall also serve as the Fuels Impact Enterprise Board of Directors.

#### Details

The Board of Directors was provided the draft Articles of Organization and Bylaws in October. The draft Articles of Organization incorporate the following topics.

- Defines the enterprise's name, authority, and purpose.
- Describes the Taxpayers Bill of Rights (TABOR) exemption for the enterprise.
- Defines the board, directors, and the board's powers.
- Describes the revenue and expenditures.
- Describes how the board can make amendments.
- Requires the board to create bylaws.

The draft Bylaws incorporate the following topics.

- Defines the "home office" of the Enterprise as CDOT HQ.
- Describes the Board of Directors' powers, roles, qualifications, and term lengths.
- Defines the Board's performance, reimbursement, and required disclosures.
- Emphasizes public meeting requirements and operational parameters.
- Requires adoption of an annual budget and defines the fiscal year.





### Next Steps

Staff requests approval of the Articles of Organization and Bylaws through proposed resolution FIE #2.

### Attachments

- Attachment A: Draft Fuels Impact Enterprise Articles of Organization
- Attachment B: Draft Bylaws for the Fuels Impact Enterprise Board of Directors



**FUELS IMPACT ENTERPRISE**  
**ARTICLES OF ORGANIZATION**

**PREAMBLE**

The General Assembly of the State of Colorado (the “State”) found and declared in C.R.S. § 43-4-1501 (1)(a)(I) that:

(A) Certain communities in the state serve as the distribution points for almost all of the fuel transported in the State;

(B) Licensed fuel distributors rely on the hazardous mitigation corridor infrastructure in these communities to support the economic functions of the State; and

(C) Increasing requirements on fuel composition and blends will cause the infrastructure in these communities to be relied upon even more.

(II) Therefore, the General Assembly found it appropriate to establish the fuels impact reduction grant program to provide grants to those communities for the improvement of their hazardous mitigation corridor infrastructure and for projects related to the transportation of fuel within the State.

Therefore, in C.R.S. § 43-4-1501(b), the General Assembly established the Fuels Impact Enterprise to assist in the administration of the programs described and to collect the fees necessary to implement these programs.

The General Assembly thereupon created and expanded in C.R.S § 43-4-1503(1)(a) a fuels impact enterprise as a government-owned business in the Colorado Department of Transportation (the “Department”).

**Article I. Name**

The fuels impact enterprise created in C.R.S. § 43-4-1503(1)(a) shall be known as the FUELS IMPACT ENTERPRISE ("Enterprise").

**Article II. Authority**

The Colorado Legislature approved the creation of the Fuels Impact Enterprise during its regularly scheduled session in 2023, and Senate Bill 23-280 was signed into law by the Governor of the State of Colorado on June 6, 2023. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

**Article III. Purpose**

The business purposes of the Enterprise are to improve the transportation of fuel in the State and monitor vehicle emissions. To accomplish this purpose, the Enterprise may impose a fuels impact reduction fee; issue grants as authorized by C.R.S. § 43-4-1506; and issue revenue bonds payable from the fee revenue and other money available to the Enterprise.

#### **Article IV. TABOR Exemption**

As provided in Section 43-4-1503(3), C.R.S., the Enterprise shall constitute an “enterprise” for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-1503(3), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution.

#### **Article V. Enterprise Board and Enterprise Director**

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

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

The Enterprise and the Enterprise Director shall exercise their powers and perform their duties as if the same were transferred to the Department by a **type 2** transfer, as defined in section 24-1-105, C.R.S.

#### **Article VI. Officers**

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

#### **Article VII. Powers**

The Enterprise may:

- (a) Impose a fuels impact reduction fee as authorized in Section 43-4-1505(1), C.R.S.;
- (b) Issue grants as authorized by the fuels impact reduction grant program created in Section 43-4-1506, C.R.S.;
- (c) Issue revenue bonds payable from fuels impact reduction fee revenue and other available money of the enterprise as authorized in Section 43-4-807, C.R.S.; and

In addition to any other powers and duties specified in Section 43-4-1505, C.R.S., the Board also has the following powers and duties:

- (a) To supervise and advise the Enterprise director;
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To issue revenue bonds, payable from the fuels impact reduction fee and other available money of the enterprise, to achieve the purposes of improving the transportation of fuel and monitoring vehicle emissions in the State;
- (d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;
- (e) To employ and supervise individuals, professional consultants, and contractors as are necessary in its judgment to carry out its business purposes;
- (f) To contract with any public or private entity, including state agencies, consultants, and the attorney general's office, for professional and technical assistance, office space and administrative services, advice, and other services related to the conduct of the affairs of the Enterprise;
- (g) To seek, accept, and expend gifts, grants, donations, or other payments from private and public sources, so long as the total amount of all grants from the state of Colorado and local governments received in any state fiscal year is less than ten (10) percent of the Enterprise's total annual revenue for the state fiscal year;
- (h) To set and adopt, on an annual basis, a budget for the Enterprise;
- (i) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in Section 43-4-1501 et seq., C.R.S.

#### **Article VIII. Revenues and Expenditures**

The fuels impact enterprise cash fund has been created in the state treasury pursuant to C.R.S. § 43-4-1504(1)(a)(I). The fund consists of fuels impact reduction fee revenue credited to the fund pursuant to Section 43-4-1505(1), C.R.S., any money that the General Assembly may transfer or appropriate to the fund for the implementation of the grant program described in Section 43-4-1506, C.R.S., and any federal money or gifts, grants, or donations received. The state treasurer shall credit to the fund all interest and income derived from the deposit and investment of money in the fund. Money in the fund is continuously appropriated to the Enterprise for the purposes set forth in C.R.S. § 43-4-1501 *et seq.* and to pay the Enterprise's reasonable and necessary operating expenses, including the repayment of any loan received pursuant to C.R.S. § 43-4-1504(2).

**Commented [WS1]:** Not sure if we need to add 1(b):  
**(b)(I)** Notwithstanding section 8-20-206.5 (8)(b), if the available fund balance in the fund is greater than fifteen million dollars, the enterprise shall not impose, and the department of revenue shall not collect, the fuels impact reduction fee described in section 8-20-206.5 (8), but if the available balance in the fund is less than fifteen million dollars within a fiscal year, the enterprise shall impose, and the department of revenue shall collect, the fuels impact reduction fee in accordance with section 8-20-206.5 (8)(b).  
**(II)** For the purposes of this subsection (1)(b), "available fund balance" means the sum of the current year revenues and the previous fund balance minus the sum of the obligations approved by the enterprise and the costs incurred by the department of revenue in collecting the fuels impact reduction fee revenue.



The Department may transfer money from any legally available source to the Enterprise for the purpose of defraying expenses incurred by the Enterprise before it receives fee revenue or revenue bond proceeds. The Enterprise may accept and expend any money so transferred, and notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer is a loan from the Department to the Enterprise that is required to be repaid and is not a grant for purposes of section 20(2)(d) of article X of the state constitution or as defined in C.R.S. § 24-77-102(7). All money transferred as a loan to the Enterprise shall be credited to the fuels impact enterprise cash fund in the state treasury. Loan liabilities that are recorded in the fuels impact fund but that are not required to be paid in the current fiscal year shall not be considered when calculating sufficient statutory fund balance for purposes of C.R.S. § 24-77-102(7). As the Enterprise receives sufficient revenue in excess of expenses, the Enterprise shall reimburse the Department for the principal amount of any loan made by the Department plus interest at a rate set by the Department.

**Article IX. Articles of Organization--Amendment**

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

**Article X. Bylaws**

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

## **FUELS IMPACT ENTERPRISE BOARD BYLAWS**

### **Article I. Offices and Definitions**

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

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

### **Article II. Fuels Impact Enterprise Board**

A. Enterprise Board. All the powers of the Enterprise, as described in § 43-4-1503, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the Board. The Board shall manage the business and affairs of the Enterprise. The Board shall consist of the members of the Transportation Commission of Colorado, as determined pursuant to § 43-1-106(1), C.R.S. Members of the Board shall have the ability to vote.

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

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

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

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

### **Article III. Meetings of the Fuels Impact Enterprise Board**

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

B. Regular Meetings. Regular meetings of the Board shall be held at a time and date set by the Board, but will generally be held the third Thursday of the month. It shall be the duty of the members of the Board to attend Board meetings. The Board shall meet no less than five (5)

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

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

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

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

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

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

H. Executive and Other Committees. The Board may, by a motion or resolution adopted by a majority of the members of the Board, designate not less than two (2) of its members to constitute one or more other committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the Board is made as herein provided, all references to the Board contained in these Bylaws, the Articles of Organization, § 43-4-1501, *et seq.*, C.R.S. or any other applicable law or regulation relating to the authority so delegated shall be deemed to refer to such committee.

#### **Article IV. Open Meetings and Open Records**

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

B. Open Records. The records of the Board shall be public records and shall be open for public inspection, as provided by law for public records. Board meetings shall be

recorded by electronic recording device. Minutes shall be made of all Board meetings and shall be approved by the Board. After approval by the Board, minutes shall be made a part of the Board records.

#### **Article V. Officers of the Fuels Impact Enterprise Board**

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

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

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

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

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

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

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

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

#### **Article VI. Fiscal Year and Budget**

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

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

#### **Article VII. Amendments**

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

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

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

#### **Article VIII. Selection, Powers and Duties of Director**

A. The CDOT Executive Director shall appoint a CDOT employee to act as the Director of the Enterprise.

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

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

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

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

#### **Article IX. Miscellaneous**

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



B. Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and § 43-4-1501, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.

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

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

DRAFT

**Fuels Impact Enterprise Board  
Meeting Minutes  
October 19, 2023**

PRESENT:           Yessica Holguin, District 1  
                      Shelley Cook, District 2  
                      Eula Adams, District 3  
                      Karen Stuart, Chair, District 4  
                      Jim Kelly, District 5  
                      Rick Ridder, District 6  
                      Barbara Bowman, District 7  
                      Mark Garcia, District 8  
                      Hannah Parsons, District 9  
                      Terry Hart, Vice-Chair, District 10  
                      Megan Vasquez, District 11

EXCUSED:

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 October, the Fuels Impact Enterprise Board of Directors approved:

- Approve the Regular Meeting Minutes of October 18, 2023



**MEMORANDUM**

**TO:** The Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Patrick Holinda, Bridge and Tunnel Enterprise Program Manager  
Justin Curry, Senior Assistant Attorney General  
**DATE:** November 16, 2023  
**SUBJECT:** Bridge and Tunnel Enterprise Articles of Organization and Board Bylaws

**Purpose**

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

**Action**

No approval action is being requested this month. Staff requests Board feedback on the proposed revisions to the Articles of Organization and Bylaws and will return in December to request approval of the amended documents.

**Background**

In May 2023, Governor Polis signed HB 23-1276 Scope of the Bridge and Tunnel Enterprise into law. The signing of the new bill expanded the scope of the legacy Bridge and Tunnel Enterprise to include preventative maintenance to good and fair bridges and fair bridge rehabilitation and replacements when bundled with a poor bridge. Per HB 23-1276, the updated business purpose of the Enterprise is to finance, repair, reconstruct, and replace (i) any designated bridge in the state, (ii) perform preventative maintenance on any bridges rated as fair and good in the state, and (iii) to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

With the Enterprise's scope being increased to include preventative maintenance and fair bridge bundling (see details below for additional information), there is a need to amend the Enterprise's governing documents to reflect these changes. Staff have prepared proposed revisions to the BTE Articles of Organization and Bylaws for consideration by the Board.

**Details**

**Articles of Organization**

The substantive changes to the proposed Articles of Organization are primarily intended to recognize the following pertinent elements of HB 23-1276:

- 1) The authority of the Enterprise to include preventative maintenance for bridges rated as fair and good.
- 2) The authority of the Enterprise to include a fair-rated bridge may be included in a designated bridge project or other project involving the repair, replacement, or reconstruction of a designated bridge if (a) including the fair-rated bridge is an efficient use of Bridge Enterprise resources, and (b) will result in cost savings or schedule acceleration for a project that will improve safety (hereafter referred to as "bridge bundling projects").





Summary list of proposed changes to Articles of Organization:

- Title - Version control added (third amended)
- Preamble - Recognizes preventative maintenance bridge projects, updates language for “lease purchase agreements”
- Article I - Updated statutory references
- Article II - Recognizes HB 23-1276 being signed into law
- Article III - Recognizes preventative maintenance on any bridge rated as fair and good
- Article IV - No change
- Article V - No change
- Article VI - No change
- Article VII - Updates language for “lease purchase agreement”, recognizes fair bridge scope, typographical or grammar error, and updated statutory references.
- Article VIII - Recognizes preventative maintenance, typographical or grammar error, and updated statutory references, updates language that was previously paraphrased to conform with Section 43-4-805, C.R.S.
- Article IX - Version control added

**Bylaws**

While the passage of HB 23-1276 did not result in any substantive changes to the Bylaws, staff used this opportunity to review and update this document.

Summary list of proposed changes to the Bylaws:

- Article I - B. Version control added (third amended)
- Article II - A. Removal of vague or misleading language, B. Clarification to address terms of Board members, D. Updated language for reimbursement, E. Updated language for financial disclosures
- Article III - B. Typographical or grammar error, F. Updated statutory reference, H. Updated statutory reference
- Article IV - No change
- Article V - C. Typographical or grammar error, D. Updated delegation of duties when Secretary absent
- Article VI - No change
- Article VII - No change
- Article VIII - B. Typographical or grammar error, E. Typographical or grammar error
- Article IX - B. Updated statutory reference

**Next Steps**

- 1) Staff will incorporate feedback received from the Board and will return in December to request the approval of a resolution adopting the amended BTE Articles of Organization and Bylaws
- 2) Future requests to amend the BTE governing documents will be brought to the Board as necessary

**Attachments**

Attachment A: Third Amended BTE Articles of Organization - redlined and clean versions

Attachment B: Third Amended BTE Bylaws - redlined and clean versions

Attachment C: BTE Proposed Revisions to the Articles of Organization and Board Bylaws workshop



# STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

## THIRD AMENDED ARTICLES OF ORGANIZATION

### PREAMBLE

The General Assembly of the State of Colorado (the “State”) found and declared in Section CRS-43-4-805-(1), C.R.S. that:

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

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

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

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

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

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

### Article I. Name



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

## **Article II. Authority**

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Colorado Legislature approved the expansion of the scope of the Bridge and Tunnel Enterprise's authority to include ~~performance of~~ (1) preventative maintenance for ~~on~~ bridges rated as fair and good, and (2) a fair-rated bridge may be included in a designated bridge project or other project involving the repair, replacement, or reconstruction of a designated bridge if (a) repair, reconstruction, replacement, and maintenance of bridges rated as fair if including the fair-rated bridge is an efficient use of Bridge Enterprise resources, and (b) will result in cost savings or schedule acceleration for a project that will improve safety (hereafter referred to as "bridge bundling projects"). ~~they are bundled with a project to address a designated bridge~~ The law expanding the scope of the Enterprise's authority regarding preventative maintenance projects and bridge bundling projects, HB 23-1276, was signed into law by the Governor of the State of Colorado on May 15, 2023. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

## **Article III. Purpose**

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace (i) any designated bridge in the state, (ii) perform preventative maintenance on any bridges rated as fair and good in the state, and (iii) to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

## **Article IV. TABOR Exemption**

As provided in Section 43-4-805(2)(c), C.R.S., the Enterprise shall constitute an "enterprise" for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-805(2)(c), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with "enterprise" status under section 20 of article X of the state constitution, the general assembly found and declared in Section 43-4-805(2)(c), C.R.S.,

that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the Enterprise as authorized by subsection (5)(g), (5)(g.5) or (5)(g.7) of Section 43-4-805, C.R.S., is not a tax but is instead a fee imposed by the enterprise to defray the cost of completing designated bridge projects, preventative maintenance bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

#### **Article V. Enterprise Board and Enterprise Director**

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

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

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

#### **Article VI. Officers**

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

#### **Article VII. Powers**

The Enterprise may:

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

In addition to any other powers and duties specified in Section 43-4-805~~(5)~~, C.R.S., the Board also has the following powers and duties:

- (a) To supervise and advise the Enterprise ~~d~~Director;
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges or fair-rated bridges if the fair-rated bridges are included as part of designated bridge projects or other projects pursuant to Section 43-4-805(3)(c)(IV), C.R.S., completing preventative maintenance bridge projects, and completing tunnel projects;
- (d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;
- (e) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;
- (f) To enter into an ~~agreements~~ with the Commission, or the Department to the extent authorized by the Commission, under which the Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain a ~~designated bridge~~ or a fair-rated bridge is included as part of a designated bridge project or other project pursuant to Section 43-4-805, C.R.S.s, ~~or completing tunnel projects as specified in the agreements;~~
- (g) As necessary for the achievement of its business purpose, which, except as otherwise provided in Section 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.
- (h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.
- (i) In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.
- (j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:
  - (I) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge project, preventative maintenance bridge project, or tunnel project; ~~and~~

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

(III) An agreement pursuant to which a private entity participates in or completes a preventative maintenance bridge project or tunnel project.

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

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

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

(n) In connection with any designated bridge ~~or tunnel~~ project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge ~~or tunnel~~ within the state or any fair-rated bridge if the fair-rated bridge is included as part of a designated bridge project pursuant to Section 43-4-805(3)(c)(IV), C.R.S.;

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

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

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

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

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

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

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

### **Article VIII. Revenues and Expenditures**

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the "bridge special fund", has been created in the state treasury. All revenues received by the Enterprise, including, but not limited to, any revenues from a bridge safety surcharge imposed pursuant to Section 43-4-805(5)(g), C.R.S., revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7), and any moneys loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project, preventative maintenance bridge project, or tunnel project. The Enterprise also may deposit or permit others to deposit other moneys into the bridge special fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the bridge special fund, ~~but in no event may revenue from any tax otherwise available for general purposes be deposited into the bridge special fund.~~ The state treasurer, after consulting with the Board, shall invest any moneys in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), C.R.S. that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

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



The Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund. The Enterprise may expend moneys in the bridge special fund to pay for:

- (a) ~~to~~ Bond or loan obligations;
- (b) ~~T~~, ~~to fund~~ the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges;
- (c) ~~the completion of bridge-preventative maintenance bridge projects;~~
- (d) The administration, planning, financing, repair, replacement, reconstruction, or maintenance of bridge bundling projects;
- (e) ~~, and~~ The completion of tunnel projects;
- (f) ~~, and for~~ The acquisition of land to the extent required in connection with any designated bridge project; and
- (g) The operating costs and expense of the Enterprise. project, bridge-preventative maintenance project, or tunnel project. The Enterprise may also expend moneys in the bridge special fund to pay its operating costs and expenses. The Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund.

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

#### **Article IX. Articles of Organization--Amendment**

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

#### **Article X. Bylaws**

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



**STATEWIDE BRIDGE AND TUNNEL ENTERPRISE**  
**THIRD AMENDED ARTICLES OF ORGANIZATION**

**PREAMBLE**

The General Assembly of the State of Colorado (the “State”) found and declared in Section 43-4-805(1), C.R.S. that:

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

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

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

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

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

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

**Article I.     Name**

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

## **Article II. Authority**

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Colorado Legislature approved the expansion of the scope of the Bridge and Tunnel Enterprise's authority to include (1) preventative maintenance for bridges rated as fair and good, and (2) a fair-rated bridge may be included in a designated bridge project or other project involving the repair, replacement, or reconstruction of a designated bridge if (a) including the fair-rated bridge is an efficient use of Bridge Enterprise resources, and (b) will result in cost savings or schedule acceleration for a project that will improve safety (hereafter referred to as "bridge bundling projects"). The law expanding the scope of the Enterprise's authority regarding preventative maintenance projects and bridge bundling projects, HB 23-1276, was signed into law by the Governor of the State of Colorado on May 15, 2023. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

## **Article III. Purpose**

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace (i) any designated bridge in the state, (ii) perform preventative maintenance on any bridges rated as fair and good in the state, and (iii) to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

## **Article IV. TABOR Exemption**

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

completing designated bridge projects, preventative maintenance bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

**Article V. Enterprise Board and Enterprise Director**

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

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

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

**Article VI. Officers**

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

**Article VII. Powers**

The Enterprise may:

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

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



- (a) To supervise and advise the Enterprise Director.
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges or fair-rated bridges if the fair-rated bridges are included as part of designated bridge projects or other projects pursuant to Section 43-4-805(3)(c)(IV), C.R.S., completing preventative maintenance bridge projects, and completing tunnel projects;
- (d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;
- (e) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;
- (f) To enter into an agreement with the Commission, or the Department to the extent authorized by the Commission, under which the Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain a designated bridge or a fair-rated bridge is included as part of a designated bridge project or other project pursuant to Section 43-4-805, C.R.S.;
- (g) As necessary for the achievement of its business purpose, which, except as otherwise provided in Section 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.
- (h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.
- (i) In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.
- (j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:
  - (I) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge project, preventative maintenance bridge project, or tunnel project;
  - (II) An agreement pursuant to which a private entity designs, develops, constructs, reconstructs, repairs, operates, or maintains all or any portion of a designated bridge project on behalf of the Enterprise; and

(III) An agreement pursuant to which a private entity participates in or completes a preventative maintenance bridge project or tunnel project.

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

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

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

(n) In connection with any designated bridge project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge within the state or any fair-rated bridge if the fair-rated bridge is included as part of a designated bridge project pursuant to Section 43-4-805(3)(c)(IV), C.R.S.;

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

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

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

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

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

(t) To contract with the state to borrow money under the terms of one or more loan contracts entered into by the state and the Enterprise pursuant to subparagraph (III) of paragraph (r) of Section 43-4-805(5), C.R.S., to expend any money borrowed from the state for the purpose of completing designated bridge projects, preventative maintenance bridge projects, and tunnel

projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenue generated by any bridge safety surcharge, bridge and tunnel impact fee, or bridge and tunnel retail delivery fee imposed pursuant to paragraph (5)(g), (5)(g.5), or (5)(g.7) of Section 43-4-805, C.R.S., and any other legally available money of the Enterprise to repay the money borrowed and any other amounts payable under the terms of the loan contract.

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

### **Article VIII. Revenues and Expenditures**

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the “bridge special fund”, has been created in the state treasury. All revenues received by the Enterprise, including, but not limited to, any revenues from a bridge safety surcharge imposed pursuant to Section 43-4-805(5)(g), C.R.S., revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7), and any money loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project, preventative maintenance bridge project, or tunnel project. The Enterprise also may deposit or permit others to deposit other money into the bridge special fund, but in no event may revenue from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the Board, shall invest any money in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), C.R.S. that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

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

The Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund. The Enterprise may expend money in the bridge special fund to pay for:

- (a) Bond or loan obligations;

- (b) The administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges;
- (c) The completion of preventative maintenance bridge projects;
- (d) The administration, planning, financing, repair, replacement, reconstruction, or maintenance of bridge bundling projects;
- (e) The completion of tunnel projects;
- (f) The acquisition of land to the extent required in connection with any designated bridge project; and
- (g) The operating costs and expense of the Enterprise.

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

**Article IX. Articles of Organization--Amendment**

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

**Article X. Bylaws**

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

**STATEWIDE BRIDGE AND TUNNEL ENTERPRISE BOARD**  
**AMENDED BYLAWS**

**Article I. Offices and Definitions**

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

B. Definitions. Capitalized terms shall have the definitions ascribed to them in these Bylaws and the Statewide Bridge and Tunnel Enterprise Third Amended Articles of Organization.

**Article II. Bridge and Tunnel Enterprise Board**

A. Board. All the powers of the Enterprise, as described in §Sections 43-4-805 and 43-4-807, ~~et seq.~~, C.R.S. (as may be amended from time to time), and as otherwise provided by law, shall be vested in the Board. The Board shall manage the business and affairs of the Enterprise. The Board shall consist solely of the members of the Transportation Commission of Colorado (“Transportation Commission”). ~~as determined pursuant to § 43-1-106(1), C.R.S.~~ Members of the Board shall have the ability to vote.

B. Qualifications and Term. All members of the Board shall be, at the time of appointment and throughout their tenure on the Board, members of the Transportation Commission ~~of Colorado~~. The number of members comprising the Board and their respective term durations shall be consistent with the number of members comprising the Transportation Commission and their respective term durations as set forth ~~as provided~~ in Section § 43-1-106(1), C.R.S. For the avoidance of doubt, any member of the Board’s term shall immediately expire in the event such Board member ceases to be a member of the Transportation Commission (whether by resignation, end of term, or otherwise).

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

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

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



### **Article III. Meetings of the Bridge and Tunnel Enterprise Board**

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

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

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

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

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

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

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

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

any other applicable law or regulation relating to the authority so delegated shall be deemed to refer to such committee.

#### **Article IV. Open Meetings and Open Records**

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

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

#### **Article V. Officers of the Bridge and Tunnel Enterprise Board**

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

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

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

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

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

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

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

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

**Article VI. Fiscal Year and Budget**

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

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

**Article VII. Amendments**

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

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

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

**Article VIII. Selection, Powers and Duties of Director**

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

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

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

D. The Director or his or her designee shall work with federal, state, local, and

private agencies on Enterprise projects, funding, and programs.

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

**Article IX. Miscellaneous**

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

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

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

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

**STATEWIDE BRIDGE AND TUNNEL ENTERPRISE BOARD  
AMENDED BYLAWS**

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B. Qualifications and Term. All members of the Board shall be, at the time of appointment and throughout their tenure on the Board, members of the Transportation Commission. The number of members comprising the Board and their respective term durations shall be consistent with the number of members comprising the Transportation Commission and their respective term durations as set forth in Section 43-1-106, C.R.S. For the avoidance of doubt, any member of the Board’s term shall immediately expire in the event such Board member ceases to be a member of the Transportation Commission (whether by resignation, end of term, or otherwise).

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

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

E. The Director or his or her designee shall see that all policies, directions, and orders of the Board are carried out and shall, under the supervision of the Board, have such other

authority, powers, or duties as may be prescribed by the Board.

**Article IX. Miscellaneous**

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

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





**COLORADO**

Department of Transportation

# Statewide Bridge and Tunnel Enterprise Proposed Revisions to the Articles of Organization & Board Bylaws





**COLORADO**

Department of Transportation

Statewide Bridge and Tunnel Enterprise

# Passage of HB23-1276

- HB23-1276 was signed into law on May 15, 2023, expanding the scope of the Bridge and Tunnel Enterprise
- Amendments to Articles of Organization (Articles) and Board Bylaws are now required to reflect the expanded scope
- Both documents last updated in December 2021 to reflect the passage of SB21-260

An Act

HOUSE BILL 23-1276

BY REPRESENTATIVE(S) Lindstedt and Vigil, Bird, Boesenecker, Dickson, Epps, Frizell, Froelich, Hamrick, Jodeh, Kipp, Lindsay, Lynch, Ricks, Story, Taggart, Valdez, Weinberg, Willford, McCluskie; also SENATOR(S) Zenzinger and Pelton B., Bridges, Buckner, Cutter, Exum, Ginal, Hansen, Hinrichsen, Kolker, Pelton R., Priola, Winter F.

CONCERNING THE BRIDGE AND TUNNEL ENTERPRISE, AND, IN CONNECTION THEREWITH, EXPANDING THE SCOPE OF THE ENTERPRISE'S POWERS TO INCLUDE THE COMPLETION OF PREVENTATIVE MAINTENANCE BRIDGE PROJECTS AND ALLOWING THE ENTERPRISE TO REPAIR, RECONSTRUCT, REPLACE, AND MAINTAIN A FAIR-RATED BRIDGE UNDER CERTAIN CIRCUMSTANCES.



# Upcoming Changes - HB23-1276 (Scope of BTE)

Good Rated  
Bridges

Preventative maintenance (New)

Fair Rated  
Bridges

Preventative maintenance (New)  
Replacement, rehabilitation, or repair (New)  
(if bundled with poor-rated bridge for cost savings or acceleration)

Poor Rated  
Bridges

Replacement, rehabilitation, or repair



# Revision and Amendment History

	Approval Date Articles of Org	Approval Date By-Laws	Resolution #	Note
Original	7/23/2009	7/23/2009	BE-3	Enterprise established
Amended	12/15/2009	-	BE-15	Minor revisions
Amended	-	10/19/2017	BE 17-10-3	Minor revisions
Amended	1/20/2022	1/20/2023	BTE 2022-01-03	SB 21-260
Proposed Third Amendment	Dec. 2023	Dec. 2023		HB 23-1276





# *Articles of Organization*



# Background and Definitions

The Colorado Legislature, in C.R.S. § 43-4-805(2)(a)(I), created BTE to be a government-owned business. It is important for the business to have this governing document, which:

- Provides a detailed overview of the organization (i.e., name, purpose, creators, TABOR exemption, etc.)
- Details the roles of Director and Officers of the Board
- Details the powers of both the Enterprise and the Board
- Provides direction on the management of revenues and expenditures



Region 4 SH 66 St. Vrain Bridge replaced in 2014





# Proposed Revision Summary

- Addition of language reflecting the passage of HB23-1276
  - 13 revisions - Bridge Preventative Maintenance
  - 4 revisions - fair bundling
- Revisions recommended by Attorney General's Office
  - 3 revisions - Clarifications to language regarding lease purchase agreement
  - Updated language in Article VIII Revenue and Expenditures to conform with the statute
  - Updated statutory references
  - Addition of version control
- Minor revisions and clarifications
  - Misleading language
  - Typographical or grammatical errors



Region 1 I-76 over S.Platte replaced in 2016



# Proposed Revision

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

**THIRD** AMENDED ARTICLES OF ORGANIZATION

PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in [Section CRS 43-4-805\(1\)](#), [C.R.S.](#), that:

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

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

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

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

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

The General Assembly thereupon created and expanded in [Section CRS 43-4-805\(2\)\(a\)\(I\)](#), [C.R.S.](#), a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The proposed Articles of Organization acknowledges the passage of HB 23-1276 through the addition of the following language:

The Colorado Legislature approved the expansion of the scope of the Bridge and Tunnel Enterprise's authority to include (1) [preventative maintenance for bridges rated as fair and good](#), and (2) [a fair-rated bridge may be included in a designated bridge project or other project involving the repair, replacement, or reconstruction of a designated bridge if \(a\) including the fair-rated bridge is an efficient use of Bridge Enterprise resources, and \(b\) will result in cost savings or schedule acceleration for a project that will improve safety \(hereafter referred to as "bridge bundling projects"\)](#). The law expanding the scope of the Enterprise's authority regarding preventative maintenance projects and bridge bundling projects, HB 23-1276, was signed into law by the Governor of the State of Colorado on May 15, 2023. (*Article II - Authority*)



# Proposed Revisions

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

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PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in [Section CRS 43-4-805\(1\), C.R.S.](#) that:

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

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The General Assembly thereupon created and expanded in [Section CRS 43-4-805\(2\)\(a\)\(I\), C.R.S.](#), a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

## Other substantive revisions include:

- **Remove** language regarding "lease purchase agreement" and **replace** with "financed purchase of an asset or certificate of participation" in multiple locations
- **Modify** Article VIII to conform with Section 43-4-805, C.R.S Existing language paraphrased the statute and was found to be potentially confusing or misleading



# *BTE Board Bylaws*





# Background and Definitions

C.R.S. § 43-4-805 empowers the Board “to adopt Bylaws for the regulation of its affairs and conduct of its business”

- The Bylaws are the governing rules by which the Board operates:
  - Directs the Board in their work to oversee the operations of the Enterprise
  - Provides direction on the selection, duties, and powers of the Officers of the Board and the Director



Region 5 SH 62 over Uncompahgre River replaced in 2016





# Proposed Revision Summary

- Revisions recommended by Attorney General's Office
  - Clarifications regarding the term of Board members - language in previous versions was unclear and did not explicitly define when the end of a Director's term occurs
  - Updated statutory references
  - Addition of version control
- Minor revisions and clarifications
  - Removal of vague or misleading language
  - Typographical or grammatical errors



Region 3 SH 82 for Colorado River bridge replacement 2018



**COLORADO**  
Department of Transportation  
Statewide Bridge and Tunnel Enterprise

Department of Transportation

# Next Steps & Comments?

- December Approval of Articles and Bylaws
- February Revise Policy and Procedural Directives
- March/April Vetting of Policy and Procedures
- May BOD Review of Policy and Procedures
- June BOD Approval of PD. 16.0 & 16.1



## Policy Directive BTE 16.0

*Oversight of Funding for State Bridges and Tunnels*



## Procedural Directive BTE 16.1

*Oversight of Funding for State Bridges and Tunnels*



**MEMORANDUM**

**TO: THE TRANSPORTATION COMMISSION**  
**FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER**  
**DATE: NOVEMBER 8, 2023**  
**SUBJECT: MONTHLY CASH BALANCE UPDATE**

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**Purpose**

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

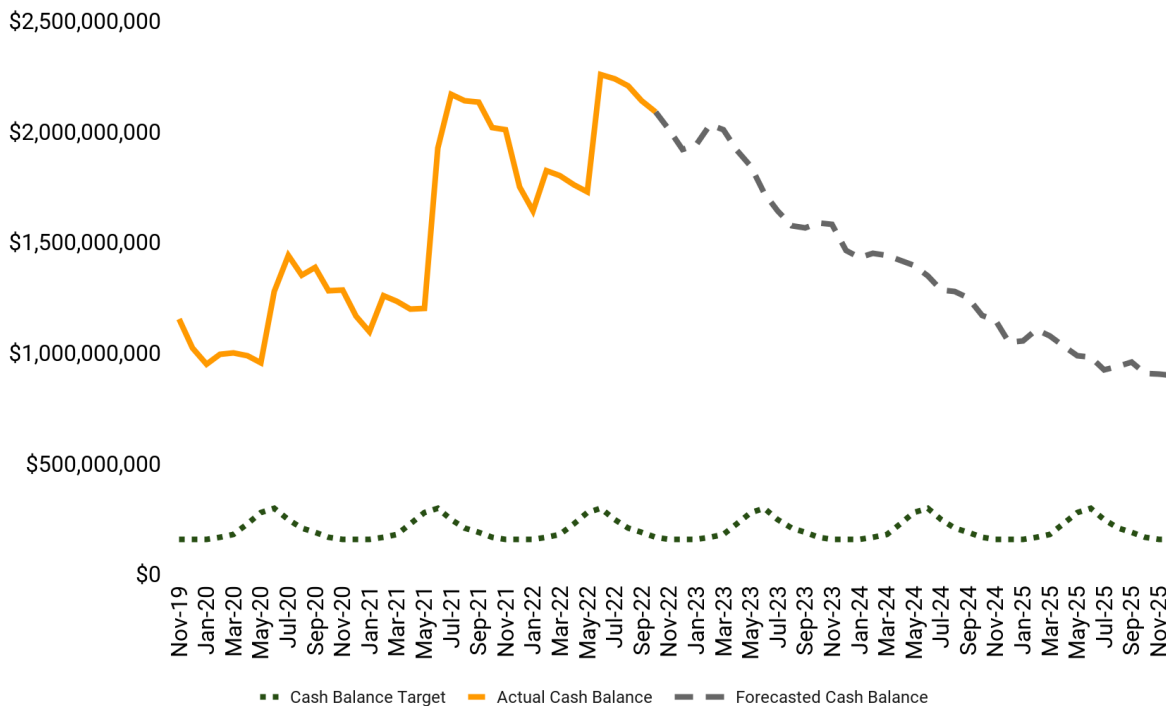
**Action**

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 September 2023 was \$1.56 billion; \$1.38 billion above that month's minimum cash balance target of \$190 million. September's cash balance includes \$355.7 million in the State Highway Fund and \$1.02 billion in the Senate Bill 267 trustee account. The actual cash balance for September 2023 was \$39.6 million higher than forecasted. This forecast variance is primarily related to higher than expected State Highway Fund, higher than expected federal reimbursements, and lower than expected payments to contractors.

The revenue forecast for future months was adjusted to reflect an anticipated reimbursement to CDOT from CTIO in October for expenses on the I-25 North Segment 7/8 corridor. The reimbursement is being provided through a recently executed TIFIA loan on the I-25 North corridor and includes reimbursement of \$121.0 million in October 2023, with additional draws against the TIFIA loan anticipated in subsequent months.

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.
- **Other Legislative Sources**- This includes revenue transferred from the General Fund to the State Highway Fund through legislation passed by the Colorado General Assembly.
- 

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.

### 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.



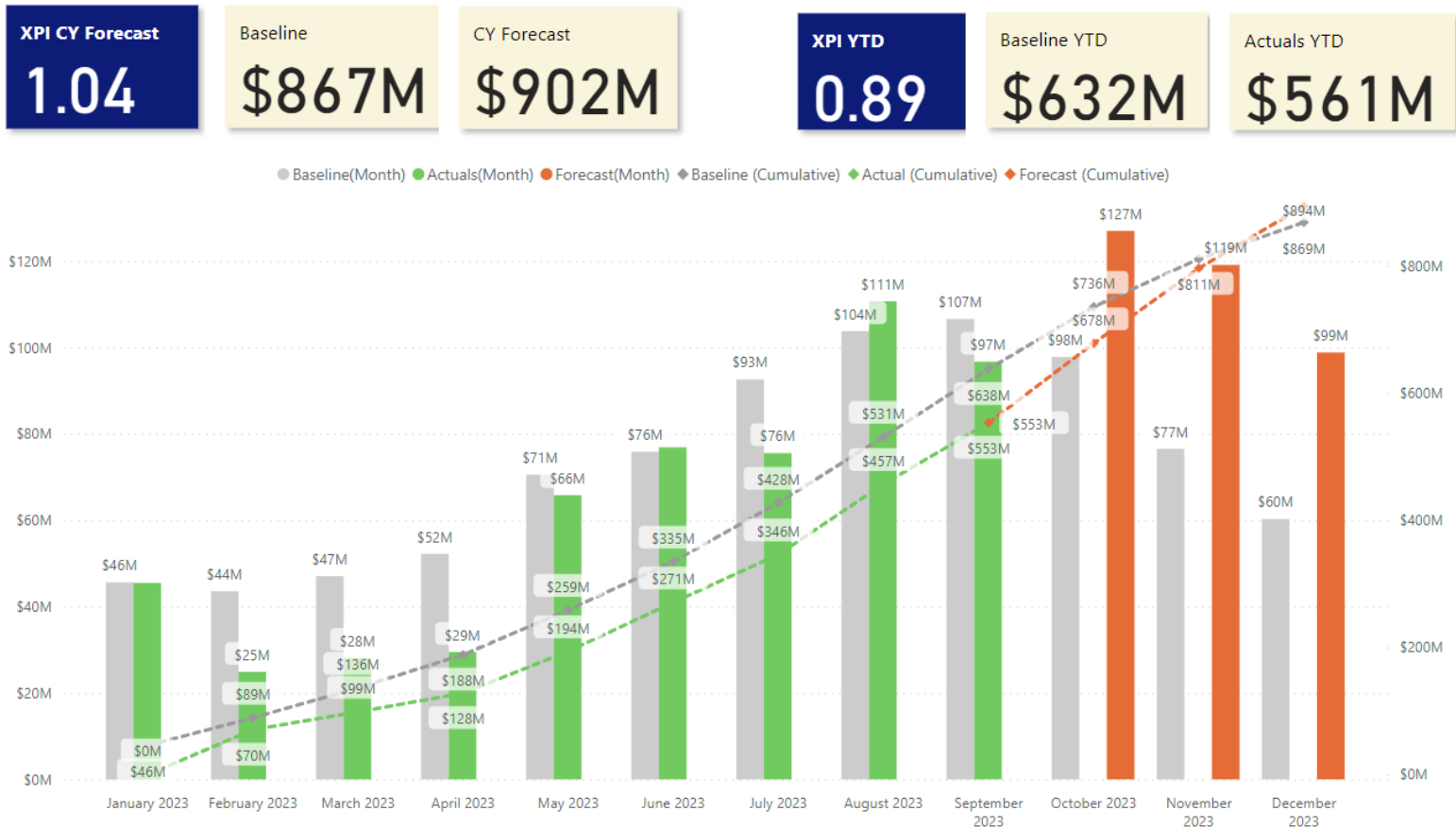
**Figure 2 – Forecasted Payments - Existing and New Construction Contracts**

\$ 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 2022. 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, July month end expenditures were corresponding to an Expenditure Performance Index (XPI) of 0.89 (actual expenditures vs. baseline). There were \$561M actual expenditures YTD vs. the baseline of \$632M. The CY 23 baseline includes expenditures from 169 projects.







**COLORADO**  
**Department of Transportation**  
Office of Policy and Government Relations

**MEMORANDUM**

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

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**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.

This month, for the FY23 Bridge Investment Program (BIP) “Large Bridge” grant program, the staff requests approval of Proposed Resolution #BTE4, to approve contingent funding for up to \$100M in Bridge and Tunnel Enterprise (BTE) state match funding to replace nine structures as part of the I-270 Corridor Improvements Project, contingent on grant application success. The \$100M in BTE funds will be coupled with \$52.5M in CDOT strategic funding (other state funding sources) to achieve the 50% non-federal cost-share minimum required for the BIP Large Bridge program.

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 discretionary grant programs have closed and all proposals have been reviewed:

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. STRENGTHENING MOBILITY and REVOLUTIONIZING TRANSPORTATION (SMART)

- CDOT-led ATMA proposal with MN DOT, OK DOT, and WI DOT as subrecipients
    - **\$1.89M AWARDED**
- 3. Enabling Middle Mile Broadband
  - CDOT submitted a \$119M proposal to build 7 middle mile corridors across the state
- 4. RAILROAD CROSSING ELIMINATION (RCE)
  - A planning application to study the elimination of two at-grade highway-rail crossings on US 34 in Region 4
    - **\$700k AWARDED**
  - CDOT also provided letters of support for two local applications in Fort Collins
- 5. FTA's ADVANCED DRIVER ASSISTANCE SYSTEMS (ADAS)
  - Install ADAS demonstrative technologies into three of CDOT's Bustang fleet
    - **\$1.2M AWARDED**
- 6. RAISE 2023
  - The City of Lakewood and CDOT revised and resubmitted the 6th & Wadsworth Interchange Reconstruction proposal
    - **\$20M AWARDED**
  - Boulder County and CDOT revised and resubmitted the CO 119 Diagonal Multimodal Improvements proposal
    - **\$25M AWARDED**
  - 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
- 7. CONSOLIDATED RAIL INFRASTRUCTURE & SAFETY IMPROVEMENTS (CRISI)
  - Unfortunately, the entire state of Colorado, as well as 13 other states nationwide, were awarded zero CRISI grants for FY22.

The following discretionary grant programs have closed, but applications are still being reviewed:

1. CORRIDOR IDENTIFICATION DEVELOPMENT PROGRAM (CIDP)
  - CDOT and FRPR-D co-sponsored an application for the Colorado Front Range Corridor
2. 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
3. WILDLIFE CROSSING PILOT PROGRAM (WCPP)
    - CDOT, with Douglas County, revised the application for the Greenland Wildlife Overpass, as the final component of the I-25 Gap project in Region 1.
    - CDOT, with Summit County, repackaged the I-70 East Vail Pass Wildlife Crossings project in Region 3.
    - CDOT submitted the US 160 Critical Wildlife Connectivity application in Region 5.
  4. PROMOTING RESILIENT OPERATIONS for TRANSFORMATIVE, EFFICIENT and COST-SAVING TRANSPORTATION (PROTECT):
    - CDOT submitted the CO West RESCUE Project to address resiliency in and around rural Western Colorado. The scope includes I-70 Glenwood Canyon, Blue Hill on Cottonwood Pass, US 40, and SH 9.
    - The City of Boulder and CDOT co-sponsored an application in Region 4 to replace two poor bridges and an undersized culvert on CO 7. The existing bridges experience recurring flooding/overtopping that restrict accessibility of the highway.
      - This project will likely also be eligible for the FY23 cycle of Bridge Investment Program (BIP).
  5. MULTIMODAL PROJECT DISCRETIONARY GRANTS (MPDG): A multi-billion dollar “umbrella” program that contains Mega, INFRA, and Rural Surface Transportation.
    - CDOT, with local agency partners, is prepared to revise eligible applications from the FY22 cycle, utilizing USDOT advice and guidance from FY22 application debriefs:
      - US 50 Safety Highway Improvements for Freight and Travel in Region 2
      - I-76 Phase IV Reconstruction in Region 4
      - US 160 Safety & Mobility Improvements in Region 5
    - Other eligible priority projects include:
      - I-70 East Vail Pass Wildlife Crossings in Region 3
      - CO West RESCUE: Resiliency in Rural Western Colorado in Region 3
      - North I-25 Segment 5 in Region 4 with Weld County
  6. RECONNECTING COMMUNITIES AND NEIGHBORHOODS (RCN)
    - CDOT and Denver submitted a planning application for the Federal & Colfax Interchange in Region 1
    - CDOT continues to support the Trinidad East-West Reconnections under I-25 viaduct proposal in Region 2
  7. STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION (SMART)
    - CDOT resubmitted the Coordinated Adaptive Ramp Metering application from last year, utilizing the debrief notes from the SMART program staff, in Region 1
    - CDOT submitted an application to prepare to test new Adaptive Traffic Signal Control (ATSC) technologies at ~40 intersections in Region 4
  8. TRANSIT-ORIENTED DEVELOPMENT PLANNING PROGRAM (TOD)
    - CDOT supported Denver and RTD with a proposal in Region 1 along Federal, related to BRT and First-Last Mile recommendations.

#### IN PROGRESS

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

1. BRIDGE INVESTMENT PROGRAM (BIP) - LARGE BRIDGE
  - CDOT will revise and resubmit the Region 1 I-270 Corridor Improvements Bridge Bundle application
    - In addition to the original eight critical bridges, the scope will be competitively expanded to include four other bridges on the corridor.
2. WESTERN BIG GAME SEASONAL HABITAT AND MIGRATION CORRIDORS FUND
  - CDOT is preparing an application for wildlife fencing and jumpouts on 287 in Region 4

#### NEW & FORTHCOMING OPPORTUNITIES

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

1. RAILROAD CROSSING ELIMINATION PROGRAM (RCE)
  - NOFO anticipated in November 2023
2. RAISE 2024
  - NOFO will be released by the end of the November 2023
3. CONSOLIDATED RAIL INFRASTRUCTURE & SAFETY IMPROVEMENTS (CRISI)
  - NOFO anticipated in December 2023 / January 2024

#### **CDOT DISCRETIONARY GRANT PROGRESS BY THE NUMBERS**

Since the IIJA was signed into law in November 2021

- CDOT has applied for ~\$969.2M across 13 programs
  - Including CDOT and Local partner co-applications: ~\$1.2B across 17 programs
  - Note: This includes resubmissions and revisions of the same application to multiple eligible programs, as well as each annual cycle of a program, and/or independent components of a whole project that meet eligibility across multiple programs.
- We have been awarded ~\$221.74M...so far!

#### **Next Steps**

NFWF Big Game & Migration Corridors applications are due November 16th, 2023

FY 23/24 BIP Large Bridge applications are due November 27th, 2023



**MEMORANDUM**

**TO:** The Bridge and Tunnel Enterprise Board of Directors  
**FROM:** Patrick Holinda, Bridge and Tunnel Enterprise Manager  
**DATE:** November 16, 2023  
**SUBJECT:** Bridge and Tunnel Enterprise Q1 FY2024 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/fy2024-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 Q1 FY2024, BTE continued to support CDOT with the planning and delivery of their 10-Year Plan. During the quarter, BTE staff held early financial modeling discussions with program stakeholders. These discussions were focused on determining the financing needs to execute the timely completion of the 10-year plan while also ensuring that program capacity is available in future fiscal years to effectively manage bridge and tunnel assets. With the recent allocation of new construction funds to the Vail Pass Safety and Operations project, BTE has now allocated a total of \$250M to CDOT's 10-Year Plan

**BTE Funded 10-Year Plan Project Progress Update**

BTE Funded Bridge Progress
23 bridges in design
12 bridges in construction
7 bridges complete

EJMT Maintenance & Repairs
BTE's first tunnel project under construction!
FY2023-FY2024 Bridge & Tunnel Fees fully allocated

**House Bill 23-1276 – Scope of the Bridge and Tunnel Enterprise**

With Governor Jared Polis's signature of HB23-1276 ([Scope Of Bridge And Tunnel Enterprise | Colorado General Assembly](#)), the scope of the Enterprise has been expanded and now allows BTE to fund preventative maintenance projects for "Good" and "Fair" rated bridges. Additionally, BTE is authorized to package work for "Fair" rated bridges into "Poor" rated bridge projects if including the "Fair" rated bridge is an efficient use of BTE resources and will result in cost savings or schedule acceleration for a project that will improve safety.

Currently, BTE staff is working with the BTE Board of Directors, the CDOT Executive Management Team, and Region & other stakeholders to strategically modify the Enterprise and allow for the expansion of its scope. BTE staff is anticipating an 8–12-month timeline to update governing documents, policies, procedures, processes, and guidance documents to reflect the passage of HB23-1276.

**FY2023 Promoting Resilient Operations for Transformative, Efficient, and Cost-Savings Transportation (PROTECT) Discretionary Grant Program**

In April 2023, the U.S. Department of Transportation (USDOT) released a Notice of Funding Opportunity (NOFO) for the FY 2023 PROTECT Discretionary Grant Program. After consideration by CDOT, BTE, DRCOG, and the City and County of Boulder, the SH7 over Boulder Creek project was identified as a top candidate project for submission. The







project will reconstruct the SH 7 (Arapahoe Ave.) bridges over Boulder Creek (D-15-AQ/AV) as well as a nearby culvert on SH 7. The bridge replacement project includes one poor-rated bridge (D-15-AQ), one fair-rated bridge (D-15-AV), and a fair-rated culvert, and will address the vulnerability of these structures to high water events in the Boulder Creek floodplain. The fair-rated culvert is considered undersized and it is anticipated the fair-rated bridge could fall to poor condition soon. The project will enhance access and connections to the well-used Boulder Creek multiuse path and build new transit connections with protected pedestrian and bicycle facilities. The new bridge will also enhance the bicycle and pedestrian underpass crossing below it by improving sightlines and underpass crossing width.

In July 2023, the BTE Board approved the allocation of \$13M of BTE matching funds to replace structure D-15-AQ. Allocation of these funds will be contingent on a PROTECT grant being awarded to CDOT.

**Program Progress**

In Q1 FY2024, staff continued to make progress addressing the state’s “Poor” bridge population and completing tunnel projects. A summary of the Enterprise's activities and accomplishments for this period is provided below.

The BTE Board approved a budget supplement to establish the construction phase funding for two projects, Package #5 of the Vail Pass Safety and Operations Improvement Project and Package #4 of the Eastern Plains Timber Bridge Replacement Project. Package #4 contains one BTE-eligible bridge, US 34 of North Fork Republican River (D-28-D), and is the final package of the larger project.

**Structures with Construction Funding Established in Q1 FY2024**

Structure ID	Region	County	Facility Carried over Featured Intersection	Budget
F-12-AS	3	Eagle	I-70 ML EBND over Polk Creek	\$53,380,086
D-28-D	4	Yuma	US 34 ML over North Fork Republican River	\$5,768,637

**Structures that Completed Construction in Q1 FY2024**

Structure ID	Region	County	Facility Carried over Featured Intersection
E-16-LT	1	Adams	I-76 ML EBND over Clear Creek
E-16-LU			I-76 ML WBND over Clear Creek

**Program Controls**

The overall program Schedule Performance Index (SPI) at the end of Q1 FY2024 was 1.07, while the active project SPI increased to 1.12 (up from 1.07). These key performance indicators are used by program staff to monitor projects that have the potential to fall behind their baseline schedule. An overall and active project SPI above 0.90 generally indicates that projects in the program’s project portfolio are being executed efficiently.

**Program Overall Monthly and Active Project SPI**

Month	Overall SPI	Active SPI
July	1.04	1.08
August	1.07	1.11
September	1.07	1.12

**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 June 30, 2023, the budget and encumbrance balances have decreased by \$1,190,996, due to project closures and projects preparing to be closed in Q2 FY2024.

**Program Financial Information**

As of Q1 FY2024, BTE FASTER revenues were \$31.1M which is \$2.8M above the historical rate of collection of \$28.3M, when applied to the FY2024 revenue budget of \$109.0. Actual YTD SB-21-260 revenues were \$7.1M, which is \$0.3M above the historical collection of \$6.8M., when applied to the FY2024 revenue budget of \$27.3.

