



**COLORADO**  
Department of Transportation  
Office of Policy and Government Relations

DATE: April 18, 2024  
TO: Transportation Commission  
FROM: Herman Stockinger  
SUBJECT: Commission Resolutions Proposed for Adoption

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Proposed Resolution #1: Approve the Regular Meeting Minutes - NO PRINTED RESOLUTION

Proposed Resolution #2: IGA Approvals >\$750,000

Proposed Resolution #3: Disposal: Mesa Springs Greenway Trail

Proposed Resolution #4: Devolution: Troy Hill

Proposed Resolution #5: Budget Supplement of FY 2024

Proposed Resolution #6: Right of Way Condemnation Authorization Request

Proposed Resolution #7: DRCOG GHG Transportation Report for the 2050 RTP

Proposed Resolution #BTE1: Consent Agenda - NO PRINTED RESOLUTION

Proposed Resolution #BTE2: 7<sup>th</sup> BTE Budget Supplement of FY24

## **Proposed Resolution #2**

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

**Approved by the Transportation Commission on April 18, 2024.**

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

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

**Whereas**, CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project; and

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

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

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

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## April 2024- IGAs > \$750,000

Region	Project Number(s)	Agency	Contract Value	Federal \$ (FHWA &/or USDT funds)	State \$	Local \$	Description
R1	25535	Castle Pines	\$3,297,500.00	\$2,638,000.00	\$0.00	\$659,500.00	<b>Castle Pines OLA - I-25 and Happy Canyon Interchange. Total Funds \$3,297,500.00</b>
	25971	Denver	\$1,437,500.00	\$1,150,000.00	\$0.00	\$287,500.00	<b>Denver OLA - Denver Trails to Transit. Total Funds \$1,437,500.00</b>
	25501	Lone Tree	\$1,600,000.00	\$1,100,000.00	\$0.00	\$500,000.00	<b>Lone Tree OLA - South Havana Street Bikeway Construction. Total Funds \$1,600,000.00</b>
	23863	Thornton	\$5,750,000.00	\$4,225,000.00	\$375,000.00	\$1,150,000.00	<b>Thornton AM1 - Widening 104th Avenue from Colorado Boulevard to US 85. This Amendment 1 increases funding by \$3,750,000.00. Total Funds \$5,750,000.00</b>
R2	25940	Lamar	\$2,538,608.00	\$1,948,752.00	\$102,668.00	\$487,188.00	<b>Lamar OLA - South Lamar Sidewalk Improvements. Total Funds \$2,538,608.00</b>
	MTCE	Colorado Springs	\$1,708,200.00	\$0.00	\$1,708,000.00	\$0.00	<b>Colorado Springs MTCE - 78 Traffic Signal Maintenance. Total Funds \$1,708,000.00</b>
	25954	Pueblo	\$1,650,000.00	\$1,485,000.00	\$0.00	\$165,000.00	<b>Pueblo OLA - Grand Avenue and 13th Street Roundabout. Total Funds \$1,650,000.00</b>
	25957	Pueblo	\$1,500,000.00	\$1,350,000.00	\$0.00	\$150,000.00	<b>Pueblo OLA - Lake Avenue and Jones Avenue Roundabout. Total Funds \$1,500,000.00</b>

<b>R3</b>	24959	Rio Blanco	\$443,998.00	\$355,199.00	\$0.00	\$88,799.00	<b>Rio Blanco AM2 - CR4 White River Bridge Improvements. This Amendment 2 increases funding by \$103,750.00. Total Funds \$443,988.00</b>
<b>R4</b>	25483	Estes Park	\$1,918,076.00	\$0.00	\$1,438,557.00	\$479,519.00	<b>Estes Park OLA - Fall River Trail II Project. Total Funds \$1,918,076.00</b>
	26216	Greeley	\$1,730,000.00	\$1,384,000.00	\$0.00	\$346,000.00	<b>Greeley OLA - 37th St. Bridge Replacement. Total Funds \$1,730,000.00</b>
	26285	Windsor	\$1,344,439.00	\$1,113,061.00	\$0.00	\$231,378.00	<b>Windsor OLA - Crossroads &amp; Colorado Intersection Improvements. Total Funds \$1,344,439.00</b>
<b>R5</b>	22531	Manassa	\$909,298.00	\$764,244.00	\$0.00	\$145,054.00	<b>Manassa OLA - 5th Street and Intersection of SH 142 Sidewalk, Curbs and Gutter Replacement. Total Funds \$909,298.00</b>
	21437	San Miguel	\$2,098,750.00	\$1,679,000.00	\$0.00	\$419,750.00	<b>San Miguel AM1 - Bridge Structure Replacement in San Miguel County. This Amendment 1 increases funding by \$563,750.00. Total Funds \$2,098,750.00</b>

**Proposed Resolution #3**

Disposal: Parcel DE-1 - Mesa Springs Greenway Trail, Colorado Springs

**Approved by the Transportation Commission on April 18th, 2024.**

**Whereas**, CDOT acquired the Mesa Springs Greenway Trail, Parcel DE-1, under projects NH(CX)025-2(250), NH(CX)025-2(251), and NH(CX)025-2(252)); and

**Whereas**, Parcel DE-1 is between Bijou Street and Airport Road lying west of the west side of the existing sound wall in Colorado Springs, El Paso County; and

**Whereas**, the subject parcel comprises a total of approximately 27.9 acres (+/-) of right of way; and

**Whereas**, the subject parcel is maintained by the City of Colorado Springs Park's Department; and

**Whereas**, Region 2 has determined Parcel DE-1 is no longer needed for CDOT transportation or maintenance purposes; and

**Whereas**, The Code of Federal Regulations 23.710.403(e) allows CDOT to dispose of property for less than fair market value to other governmental agencies for continued non-proprietary public use; and

**Whereas**, The City of Colorado Springs has requested CDOT convey Parcel DE-1 for nominal value, for ongoing and future maintenance of the Mesa Springs Greenway Trail, in accordance with C.F.R. 23.710.403; and

**Whereas**, CDOT would like to dispose of Parcel DE-1 to the City of Colorado Springs for nominal value; and

**Whereas**, if the City of Colorado Springs ceases to use the property for non-proprietary public use, the property will revert to CDOT's ownership; and

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

**Now Therefore Be It Resolved**, pursuant to the provisions of 23 CFR 710.403 and C.R.S, 43-1-210(5) Department of Transportation be given authority to declare Parcel DE-1 as excess property and convey 27.9 acres (+/-) of property that is no longer needed for transportation purposes for nominal value.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Proposed Resolution #4**

Disposal: Troy Hill Road between SH24 and Airport Road

**Approved by the Transportation Commission on April 18th, 2024.**

**Whereas**, CDOT acquired Troy Hill Road under project STA-STE-NH(CX) 024-3(41) Unit 2;  
and

**Whereas**, Troy Hill Road is between SH24 (Platte Ave) and Airport Road in Colorado Springs,  
El Paso County; and

**Whereas**, the subject parcel comprises a total of approximately 645,282 Sq Ft (14.81 acres);  
and

**Whereas**, the subject parcel is maintained by the City of Colorado Springs as a City Road; and

**Whereas**, Region 2 has determined Troy Hill Road is no longer needed for CDOT  
transportation or maintenance purposes; and

**Whereas**, The Code of Federal Regulations 23.710.403(e) allows CDOT to dispose of property  
for less than fair market value to other governmental agencies for continued non-proprietary  
public use; and

**Whereas**, The City of Colorado Springs has requested CDOT convey Troy Hill Road for  
nominal value, for ongoing and future maintenance of Troy Hill Road, in accordance with  
C.F.R. 23.710.403; and

**Whereas**, CDOT would like to dispose of Troy Hill Road to the City of Colorado Springs for  
nominal value; and

**Whereas**, if the City of Colorado Springs ceases to use the property for non-proprietary  
public use, the property will revert to CDOT's ownership; and

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

**Now Therefore Be It Resolved**, pursuant to the provisions of 23 CFR 710.403 and C.R.S, 43-  
1-210(5) Department of Transportation be given authority to declare Troy Hill Road between  
SH24 (Platte Ave) and Airport Road as excess property and convey approximately 645,282 Sq  
Ft (14.81 acres) of property that is no longer needed for transportation purposes for nominal  
value.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Proposed Resolution #5**

Approval and Adoption of the Tenth Supplement to the Fiscal Year 2023-2024 Budget for the Colorado Department of Transportation.

**Approved by the Transportation Commission on April 18, 2024.**

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

**Whereas**, the project requests included in the Supplement and detailed below are consistent with the FY 2024 through FY 2027 STIP, and funds are available from existing program allocations, unless otherwise indicated.

### **Transfers between 10 Year Plan Projects**

- +\$2,056,587 - Increase 2547 - CO 21 and Airport Road DDI Interchange
- -\$1,578,506 - Decrease 0011 - CO 21 and Research Parkway Interchange
- -\$478,081 - Decrease 0020 - Bridge Preventative Maintenance on I-25, CO 16, and US 24 in Colorado Springs
- Advance \$7,100,000 #2498 - CO 59 Safety Improvements FY27 to FY24
- Push \$7,100,000 #2686 - US 385 S. of Cheyenne Wells from FY24 to FY27

**Now Therefore Be It Resolved**, after review and consideration, the Tenth Supplement to the Fiscal Year 2023-2024 Budget is approved by the Transportation Commission.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado



**Proposed Resolution #6**

R3, SH 133 Rockfall Mitigation MP 21 to 31.5, Project Number C 133A-054, Project Code 24598

Authorizing the Chief Engineer to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property specified below.

**Approved by the Transportation Commission on April 18, 2024.**

**Whereas**, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

**Whereas**, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

**Whereas**, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

**Whereas**, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

**Whereas**, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

**Whereas**, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

**Whereas**, on February 7, 2024, the right of way plans for SH 133 Rockfall Mitigation MP 21 to 31.5, Project Number C 133A-054, Project Code 24598 ("Project") were authorized by the Chief Engineer; and



**Whereas**, pursuant to Colorado law at Section 43-1-208, C.R.S., the authorization of right of way plans by the Chief Engineer allowed CDOT to acquire land necessary for the Project by purchase, exchange, or negotiations with landowners; and

**Whereas**, CDOT attempted to negotiate with the landowners, but the attempts to negotiate with the landowners were unsuccessful; and

**Whereas**, the Property sought by CDOT may include buildings, structures, or other improvements on the real Property and may also include tenant-owned improvements, personal property, and other real estate; and

**Whereas**, CDOT does not have possession of the Property and CDOT's inability to work on the Property will likely cause delay to the SH 133 Rockfall Mitigation MP 21 to 31.5, Project Number C 133A-054, Project Code 24598; possibly resulting in significant monetary harm to CDOT; and

**Whereas**, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer seeking approval to initiate and conduct condemnation proceedings, and the report included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

**Now Therefore Be It Resolved**, the Transportation Commission authorizes CDOT to initiate and conduct condemnation proceedings for the following landowner. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items through eminent domain proceedings if necessary.

CDOT may initiate and conduct condemnation proceedings for the following landowners:

1. Landowner Name: Volk Ranch, LLLP  
Address of Property: No postal address for the property.

A parcel located in the Section 17, Township 12S, Range 89W of the 6th P.M., County of Gunnison

Parcel Required: RW-3, TE-3

Estimated Property Value, Damages and Benefits (if any): \$5,400.00

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Proposed Resolution #7**

Adopt a Resolution stating the Commission's determination that the DRCOG GHG Transportation Report is sufficient and meets the reduction levels required in Rule 2 CCR 601-22 (Planning Rules).

**Approved by the Transportation Commission on April 18, 2024 .**

**Whereas**, Senate Bill 21-260 directed the Transportation Commission of Colorado (“the Commission”) to adopt procedures and guidelines requiring CDOT and MPOs to take additional steps in the planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects ; and

**Whereas**, Senate Bill 21-260 also specified implementing relevant measures pursuant to §25-7-105, C.R.S.; reducing GHG emissions to help achieve statewide GHG pollution reduction targets established in House Bill 19-1261 (now codified in § 25-7-102(2)(g) and 105(1)(e), C.R.S.); and considering the role of land use in the transportation planning process; and

**Whereas**, on December 16, 2021 the Commission adopted updated Planning Rules, which included greenhouse gas reduction levels for CDOT in non-MPO areas, DRCOG, and NFRMPO; and

**Whereas**, the Commission adopted Policy Directive No. 1610 on May 19, 2022, with minor amendments thereafter (as amended, the “Policy Directive”) which guides implementation of the Planning Rules and use of GHG Mitigation Measures; and

**Whereas**, DRCOG is nearing completion of their 2050 Regional Transportation Plan (RTP) cycle amendment update and the Planning Rules require DRCOG to provide to the Commission “at least 30 days prior to adoption” of their RTP a GHG Transportation Report (Report) containing a GHG emissions analysis, and if applicable, a GHG Mitigation Action Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in Table 1 of the Planning Rules; and

**Whereas**, under Rule 8.05 of the Planning Rules, the Commission, within thirty days of receipt of the GHG Transportation Report or at the next regularly scheduled Commission meeting, whichever is later, shall determine whether the applicable GHG Reduction Levels in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.; and

**Whereas**, on April 11, 2024, the Commission received DRCOG’s Report reflecting the results of modeling of the updated 2050 RTP for the DRCOG area and application of associated Mitigation Measures pursuant to the Rules and the Policy Directive; and

**Whereas**, the Report concludes that DRCOG will achieve the required reduction levels under the Planning Rules; and

**Now Therefore Be It Resolved**, after review and consideration of the DRCOG Report, the Commission finds the Report and DRCOG to be in compliance with the Planning Rules and to have achieved the required reduction levels.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Proposed Resolution #BTE2**

Approval and Adoption of the Seventh Fiscal Year 2023-24 Project Budget Supplement for the Statewide Bridge and Tunnel Enterprise (BTE).

**Approved by the Bridge and Tunnel Enterprise Board of Directors on April 18, 2024.**

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

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

**Whereas**, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

**Whereas**, pursuant to C.R.S. § 43-4-805(2)(b)(II) and 5(c), C.R.S., BTE is authorized to issue revenue bonds for the purposes of paying the costs of financing, repairing, reconstructing, replacing, and maintaining designated bridges or fair-rated bridges are included as part of designated bridge projects or other projects, completing preventative maintenance bridge project, and completing tunnel projects; and

**Whereas**, on March 21, 2024, the BTE Board of Directors (the “Board”) approved Resolution #BTE4, wherein, among other things, the Board approved BTE’s request to issue and sell the Series 2024A Bonds and to take all steps needed to faithfully execute and complete the transaction and issuance of the Series 2024A Bonds; and

**Whereas**, following the Board’s approval of, and in accordance with, Resolution #BTE4, BTE’s Senior Infrastructure Revenue Bonds Series 2024A Bonds were issued and dated April 16, 2024 in the par amount of \$150,000,000 and premium amount of \$15,379,275.20 for an aggregate total of \$165,379,275.20; and

**Whereas**, the FY2023-24 budget allocation plan is being administratively adjusted to reflect the total bond proceeds available, which results in a total budget increase of \$165,379,275.20; and

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

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

**Whereas**, BTE requests to increase BTE’s capital construction budget to include the proceeds from BTE’s Series 2024A Bonds transaction to pay for, among other projects, certain improvements to I-70 West: Floyd Hill, improvements to I-25 through New Pueblo Freeway, and safety improvements to I-70 West: Vail Pass; and

**Whereas**, the project request(s) included in the Supplement and summarized below are consistent with the FY 2023-24 through FY 2026-27 Statewide Transportation Improvement Program (STIP); and

Description	Region	Project Number	Eligible Structures Addressed	Amount Requested
Establish Construction Phase	1	25800	F-15-BL, F-15-BM	\$ 44,054,900
Establish Design Phase	2	26313	J-18-M	\$ 500,100
Establish Design Phase	2	26288	N-17-AC	\$ 500,400

**Whereas**, the project budget request(s) being presented to the Board for approval this month have been reviewed and met BTE funding eligibility as well as prioritization criteria; and

**Now Therefore Be It Resolved**, after review and consideration, the Seventh Supplement to the Fiscal Year 2023-24 Budget is approved by the Bridge and Tunnel Enterprise Board.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado