

**Resolution #TC-1982**

**BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for April 2011 are hereby approved as published in the official agenda of the May 18 & 19, 2011 Meeting.**

**Transportation Commission of Colorado  
Special and Regular Meeting Minutes  
April 2011**

**Transportation Commission Retreat  
April 12, 2011**

Call to Order: 12:42pm

**Attendance**

Trey Rogers, District 1  
Jeanne Erickson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
Bill Kaufman, District 5  
Doug Aden, District 7  
Gilbert Ortiz, Sr., District 10  
Kimbra L. Killin, District 11  
Steve Parker, Vice Chair, District 8  
Les Gruen, Chairman, District 9

**Also in Attendance**

Herman Stockinger, Secretary  
Don Hunt, Executive Director

**Department Organization:** Chairman Gruen talked about the loss of several key Commissioners. The Commission should ensure that TC chemistry remains. Commissioners should assist in seeking out qualified replacements to apply for the known vacancies. Director Hunt stated that he has met with the Governor's office on this, and one thing we can do is streamline the TC schedule- workshops and commission day. The time commitment is significant for Commissioners. Commissioner Reiff suggested that we may be able to do more with less (get more done in less time) if we can be more efficient.

Director Hunt explained the SES job selection process to the TC and other organizational changes that are ongoing, including changes to the Deputy Director position, and the creation of a new Director of Process. Commissioner Gruen encouraged Commissioners to participate when asked to be part of the interview panels. Commissioners requested as much lead time as possible for setting dates so they can participate in the panel.

**Department Programs:** Commission discussed the status of key transportation corridors around the state, recognizing there are no funds available for large, expensive projects. A new plan needs to be developed to create short, intermediate, and long-term priorities. The Commission needs to better understand what the planning options are, and looks to staff to provide that information. Additionally, it is important to continue to expand on the assessment of the impact of yearly budgets. For transit items, the TRAC is an appropriate place to begin the conversation on priorities, with the Transit & Intermodal Committee and full Commission being brought into the conversation at the appropriate time.

The Commission had a broad discussion on the potential for de-federalization of a portion of the construction program. The Commission would like to hear from staff on whether other states have de-federalized a portion of their program, and how well it worked.

**Long Term Transportation Funding:** Commission discussed long-term funding issues, including options for regional revenue increases similar to the Georgia model, gas tax, VMT, expanded use of managed lanes, and pros and cons of each. The Commission expressed interested in learning more about the status of the VMT option, in Colorado and nationally. It is important to remember the need to look at the state's transportation needs as a statewide system.

**Adjourn:** 4:59pm

**Transportation Commission of Colorado  
Regular Meeting Minutes  
April 20 & 21, 2011**

**Vice Chairman Steve Parker convened the meeting at 9:33 a.m. in the auditorium of the headquarters building in Denver Colorado.**

PRESENT WERE: Les Gruen, Chairman, District 9  
Steve Parker, Vice Chair, District 8  
Jeanne Erickson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
Bill Kaufman, District 5  
Doug Aden, District 7  
Gilbert Ortiz, Sr., District 10  
Herman Stockinger, Secretary

EXCUSED: Trey Rogers, District 1  
Kimbra L. Killin, District 11

ALSO PRESENT: Don Hunt, Executive Director  
Peggy Catlin, Deputy Executive Director  
Pam Hutton, Chief Engineer  
Jennifer Finch, Director of Transportation Planning  
Laurie Freedle, Representing, the CFO  
Heidi Bimmerle, Director of Admin and Human Resources  
Stacey Stegman, Public Relations Director  
Mark Imhoff, Division of Transit and Rail Director  
Mike Cheroutes, HPTE Director  
Casey Tighe, Audit Director  
Scott McDaniel, Staff Services Director  
Dave Gordon, Aeronautics Director  
Tony DeVito, Region 1 Transportation Director  
Tim Harris, Region 2 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Richard Reynolds, Region 5 Transportation Director  
Reza Akhavan, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory  
Committee (STAC) Chairman

AND: Other staff members, organization representatives,  
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

### **Audience Participation**

There were no requests for participation at the meeting.

### **Individual Commissioner Comments**

Commissioner Reiff mentioned that the group of Douglas County and Arapahoe County Commissioners and a variety of the cities have recently gotten together to form a coalition to evaluate options for C-470. He reported that he and Reza Akhavan had an opportunity to participate in their monthly Policy Committee and Commissioner Reiff stated that he was pleased that the group had taken the initiative to start working in a cooperative fashion to determine which solutions would be available for the 470 corridor, a very vital corridor. He declared that he is looking forward to seeing how that progresses and that CDOT is committed to helping with staffing and attendance and that he was committed to attend as well.

Commissioner Erickson mentioned that she recently had the opportunity to be a part of Remembrance Day on April 4<sup>th</sup> at the Region 1 observance. She stated that she had

been able to talk to a number of the employees there and that it was a really important occasion.

Commissioner Aden reported that he had attended the Club 20 Spring meeting and that Governor Hickenlooper and several Cabinet members were there including Executive Director Don Hunt and that their attendance was greatly appreciated.

Vice Chairman Parker mentioned that he had participated in the Remembrance Day Ceremony in Region 5 and that it was great to see such a large crowd at the event. He reported that he had participated with the Southwest TPR and by phone with the San Luis Valley TPR. He stated that he attended the Club 20 Spring Meeting and that Don Hunt had made very well received comments. He said that the Governor had also done a great job at the meeting. Vice Chairman Parker stated that he had visited with the Archuleta County Board of Commissioners who recently lost their most experienced Commissioner from retirement and another had resigned. He reported that the Board told him that they appreciated the way that Region 5 had been able to help them get through some things. He declared that the Staff in Region 5 had done an excellent job in helping them.

### **Executive Director's Report**

Director Hunt stated that he had a very good day at the Club 20 Spring Meeting and that he continues to travel around the state. He said that after being with CDOT for 2 months he had traveled to most all corners of the state but needed to get to Durango. He stated that he had found it great to meet with folks. He reported that he recently had a good trip up to Region 4 and met with Johnny Olson, County Commissioners, and TPR Representatives for a lively discussion. He reported that they had also met with the Mayor Cecil Gutierrez and his staff at Loveland for lunch. Director Hunt stated that the Jefferson Parkway Project is heating up a little bit and he had attended some meetings in regards to the project. He stated that CDOT will continue to play its role in inter-connections with the State Highway system and that it was up to the local governments to put together the project but, that the 1601 process on would continue with an Environmental Evaluation when the local government is ready to do that.

He reported that he had attended meetings on the following issues:

I-70 Environmental Process  
I-70 East PACT Meeting

Walking tour with the City and County of Denver, Business and Neighborhood representatives

- Under the I-70 Viaduct is the most difficult place for a neighborhood to coexist with a Highway in the State
- Reza Akhavan is doing a great job following up with the stakeholders to see if a better job can be done to make sure that graffiti and trash is cleaned up as much as possible
- Builds trust moving forward
- Project is planned to re-build in the existing alignment

Ready Mix Concrete Association  
Sand and Gravel Association  
Asphalt Contractors  
Concrete Contractors  
Colorado Contractors Association

Mr. Hunt reported that all of the Associations are looking for the bigger program at CDOT in the future as they need the work and the Transportation System needs to continue to be invested in. He stated that his message to them and the continuing message from Governor Hickenlooper is that there is a year ahead where the State is working to increase and restore a trust in Government and demonstrate that Government can perform and is responsive to its customers and constituents. Director Hunt mentioned that recently when he was with the Governor, he stated that "This is our Government and we'd better pay attention to it and we need to have a high regard and high expectations for it". Director Hunt declared that CDOT is a part of that and as a part of that, CDOT is in the process of advertising for a new Director of Process Improvement who will be looking at customer facing processes for improvement, accountability and predictability.

Director Hunt stated that it was a tough time across the State as the Governor had required that 80 Senior Executive Service Positions be re-opened to make sure that the best talent is being recruited for State Government. He reported that this requirement affected 5 senior employees at CDOT and that they will have to re-apply and compete for their positions. He reported that he wanted to thank all of those folks who have been acting in the most professional manner imaginable. He declared that they have been doing their jobs every day and showing the great public servants and professionals they are as the process proceeds.

### **Chief Engineer Report**

Chief Engineer, Pam Hutton, reported that she had a few things to talk to the Commission about and that she was prepared to bring the Commission up-to-speed on recent activities. Pam delivered the following report:

#### **Summary**

- Project Updates
  - US 50 Cerro Summit Emergency Repairs
  - West Parachute Interchange
- FASTER Safety
- Maintenance Fleet
- Helping Hands

#### **US 50 Cerro Summit Emergency Repairs**

- Project Background
  - \$9M Budget, 8+ locations along 5 miles of US 50
- Two Projects
  - Phase I - 5 sites (2-1/2 complete)

- Work consists of MSE wall, underdrains, culverts, and fill
- \$4.3M contract, 50% complete, winter shut down, start up in May, completion scheduled for mid-July
- Phase II – three additional sites,
  - Work: fill, underdrains, culvert, MSE wall
  - Some preliminary engineering done – surveying, design
  - More survey, ROW needed, ROW purchase required
  - Potential advertise late summer, construct Fall 2

### **West Parachute Interchange**

- Project Background
- Accomplished:
  - March 2010: PD 1601 Presented to TC
  - August 2010: FONSI signed and CDOT Construction Funding Budgeted
  - November 2010: MOU Executed with Garfield County and Design Kickoff Meeting held
  - Design plans currently 60% complete; ROW plans 95% complete
- Future Schedule:
  - April 2011: ROW Acquisition begins
  - June 2011: 90% Plan Review
  - November 2011: Scheduled Advertisement
  - February 2012: Contractor Breaks Ground
  - Late 2012+: Construction Complete (weather dependent)
- Project Efficiencies:
  - Original advertisement date February 2013, now 15 months earlier
  - Formal Pre-Advertisement Conference will be held for contractors
  - Will employ ROW and Utilities efficiencies featured in EDC to reduce delivery time

### **FASTER Safety**

- Status
  - 85% of FY10 and FY11 funds are budgeted
  - Remaining 30 FY10 and FY11 planned projects will be advertised by June 30
  - FY12 has 40 projects in design from FY10 and FY11; another 41 for delivery in FY12
- Progress
  - February, March, April

### **Stretching the Fleet**

- FY10 – Fleet at 180% of useful life
- Annual budget of \$12M improved fleet to 168%
- Added TC Allocation of \$12M improved fleet to 160%

### **Helping Hands**

- History and Mission
- 42 Awards Given
  - 2011 – Awarded to date \$3300, Raised to date \$0
- Next fundraiser
  - May 21 Golf Tournament
  - Saddleback in Firestone, CO

### **High Performance Transportation Enterprise (HPTE) Director's Report**

HPTE Director, Michael Cheroutes reported that he had an update on three items:

- US 36 Project is on schedule with the TIFIA Joint Project Office and the Enterprise has been getting great cooperation on the project from all partners to include: the Staff of Region 6, FHWA, RTD and DRCOG.
- C-470 the Enterprise was invited into the collaborative effort a few months back and is participating on the policy level and the technical level. The Enterprise Ready to participate in developing the financing plan that is decided upon.
- HPTE has been present at discussions on alternatives for the I-70 Twin Tunnel project and also has been keeping an eye on the long range goal of the corridor as a whole for the future.

### **FHWA Division Administrator Report**

John Cater delivered a report on the following topics:

#### Reauthorization Proposal

- Released in May
- Increase the focus on transportation
- Expecting it to stir debate on the subject

#### 2 Scan Tours were taken in April

- Stormwater management
  - Trip to the East Coast: New Hampshire, Maryland and North Carolina
  - Group was made up of representatives from Colorado, Idaho, Nebraska
  - Met with the DOT's in those states
  - Met with State Environmental Agencies
  - The States had all had Violations of for Stormwater and had to address
  - They had all addressed the issues successfully
- Diverging Diamond Interchange
  - Trip to Utah
  - Met with Contractors and Project Development Staff

- Met with Public Relations team to learn how they explained the concept to the public
  - Met with Design team, Traffic Engineers on signage and striping
  - The team came away with ideas for effective application of the concept in their respective State
  - Several of these interchanges may be constructed in the coming years
- Effectiveness of Scan Tours
- A Group from a State with a Problem can visit other States with a solution
  - Learning from the group they visit and bring the ideas back to their own State
  - Implement the ideas
  - Scan tours will be promoted and more will be scheduled in the future

### **STAC Report**

Vince Rogalski mentioned that the STAC had its regular meeting on Friday, April 15, 2011 and discussed the following items:

#### Federal and State Legislative Update with Mickey Ferrell and Herman Stockinger

- Rescissions on unspent earmarks
- Shouldn't affect Colorado
- State long bill contains no cuts to CDOT

#### Fiscal 2012 Budget

- STAC recommended approval with \$13.4M be moved into Surface Treatment
- One dissent because there were no project put into Strategic Projects except for debt service

#### Bridge Program

- Number of bridges being repaired
- Moving into adding bridges that are in the poor category
- Work being done with Bridge Money
- Suggestion that CDOT Publicize the work of the Bridge Enterprise more
- STAC members need to take the information back to TPR's and disseminate the information
- This insures the public that the money that is set aside for Bridges and Safety is being utilized to the fullest and good work is being done

#### Safe Routes to Schools Review

- Approval done in March by Transportation Commission
- A List
- B List
- STAC Members have a good understanding of the program
- They were reminded that new applications would be out in the Fall and it is an Annual Program

#### Tunnel Visioning

- Encouraged by Tony DeVito's Presentation
- CDOT looking at a more permanent, year round solution on I-70
- The STAC had not thought that Zipper Lanes were a good idea

#### Transit and Rail Advisory Committee Update

#### Update on Studies being conducted by the Division of Transit and Rail

### **Committee Reports**

#### **Efficiency and Accountability**

Commissioner Jeanne Erickson delivered the following report on the March 17, 2011 Meeting:

#### Presentation about CDOT's Utility Permitting Process

- Staff spends a great deal of time coordinating with Utilities for access to CDOT right of way
- CDOT currently doesn't recover costs associated with those activities
- Other States have developed permit fees or other hourly charges for Utility activities
- Committee asked CDOT Staff to gather more detailed information on what other State DOTs are doing in neighboring States in particular

#### Continuing work on an analysis of CDOT's Fixed and Variable Costs

- Gathering information for the analysis has proven to be very challenging

#### Review of Governor's Executive order on Energy Use by State Agencies

- There are Specific Targets that Agencies must meet
- CDOT has programs designed to meet the targets
- The Committee will continue to look into Energy Use

### **Transit and Intermodal Committee**

Commissioner Erickson delivered the following report on the Transit and Intermodal Committee Meeting that was held on Wednesday, April 20, 2011:

- The Division of Transit and Rail Director, Mark Imhoff, outlined the process for CDOT and our transit grantees to be prepared for FTA discretionary fund competitions likely to begin next month with a series of Notices of Funding Availability (NOFA). He outlined a framework for working with CASTA and the TRAC to develop guidelines for evaluation criteria, with input from the T&I Committee in May. DTR will prioritize grant applications for submission to the Federal Transit Administration.

- We heard a report on the status of both the Interregional Connectivity and State Rail Plan studies. The Interregional Connectivity Study will identify a high speed rail network with emphasis on connection with RTD's FasTracks system. We anticipate funds to be obligated from the FRA within days. The project manager, Wendy Wallach, covered the general scope, schedule and budget of the study. The study will focus more on the Front Range Corridor from Fort Collins to Pueblo and will be closely coordinated with the I-70 Mountain Corridor Advanced Guideway System Feasibility Study set to begin later this summer. So as not to duplicate efforts, the Interregional Connectivity Study will be responsible for all ridership forecasting; funds from the AGS effort will supplement this task.
- Medhi Baziar, project manager for the State Rail Plan, briefly reviewed the status. The 12 month study began in January and much of the data has been collected. CDOT has begun coordination with the Class I and Short line railroads and had a successful kick-off of the Steering Committee this week.
- Mark Imhoff shared with the Committee the outline of the FREX Business Plan, and the expected elements. The Plan will look at future revenues and operating costs over five years, and assess the business viability of the FREX operation. The Plan is due June 1, and DTR will make a recommendation to the T&I Committee at the June meeting regarding the release of escrow funds remaining from the sale of FREX buses last year. The Commission will take action at the July meeting.
- In March, DTR proposed a protocol to be used if a FASTER grant recipient requests a change their project scope or sponsorship. We agreed to the approach last month and the process was documented for us and is included in your TC April briefing materials.
- We closed the meeting with a brief discussion of the Transit and Rail Advisory Committee Meeting. I attended the last meeting and there was a lot of enthusiasm among the TRAC members to coordinate with the T&I Committee. I extended an invitation to TRAC members to attend future T&I Committee meetings. Ann Rajewski, the TRAC Chair, will give regular updates at T&I Committee meetings. Mark added that we are planning to have a retreat with the TRAC and the T&I Committee in the near future.

### **Audit Committee**

Commissioner Parker delivered the following report of meeting held on April 20, 2011:

- The Committee approved two reports:
- The audit of the operations of the Staff Branches Business Office found that overall the Business Office is accurate and timely in processing payments. The audit did recommend that CDOT work on improving consistency in the

payment approval process. Scott Young the Staff Branches Business Manager said that he is working with a committee to improve and standardize many of these business processes.

- Audit also examined CDOT's implementation of the requirements of a water quality consent decree CDOT entered into with the Department of Health and Environment. The decree contained 25 discrete requirements CDOT agreed to fulfill. The audit found that 16 of the requirements have been implemented. CDOT is working on the remaining 9 requirements.
- The Committee also had some discussion on the implementation of improvements to the fuel card program. It appears that Region 6 has developed some through fuel card procedures but those new procedures have not been implemented throughout CDOT. In discussions the committee members expressed a desire to see the best practices quickly implemented throughout CDOT.
- A report on open audit recommendations was reviewed. The committee expressed a desire for CDOT management to be more proactive in tracking and implementing audit recommendations.

### **Act on Consent Agenda**

Chairman Gruen stated that the next item on the Agenda was the Consent Agenda. He stated that there were six items on the agenda and asked if there was a motion. Commissioner Kaufman stated that he would move that the Consent Agenda be approved with the following amendments:

- Item A, the Minutes from the March 16 & 17, 2011 Meeting
  - Remove Dave Wieder's name from those present as, he was not in attendance.
- Item B, the STIP Amendment
  - The amendment shown in the current Agenda is number 34, which was already approved in February 2011
  - Amendment number 36 dated April 21, 2011, which was handed out is what needs to be approved

Chairman Gruen asked for a second on the item and Commissioner Parker seconded the motion. The Chairman then asked if there was any discussion on the item and there being none, on a vote of the Commission, the Consent Agenda was unanimously approved as amended.

### **Approve the Special & Regular Meeting Minutes of March 16 & 17, 2011**

### **Resolution #TC-1971**

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of March 16 & 17, 2011 are hereby approved as published in the official agenda of the April 20 & 21, 2011 meeting Agenda.

**Resolution # TC-1972**

**Resolution to Approve STIP Policy Amendment Package for Amendment #36**

**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #36 was provided from March 17, 2011 through April 20, 2011, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve these policy amendments to the STIP, which are detailed in the attached table, and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #36 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution #TC-1973**

**Authority to declare that portion of US 160E abandoned**

**Approved by the Transportation Commission on: April 20, 2011**

Project Code: FAP 265-E  
FAP 101-R,  
NH 1602-075/MIPP  
Location: US 160E though Bayfield.  
Municipality: Town of Bayfield

WHEREAS, The Department of Transportation owns 2.242 linear miles of Highway in Bayfield, Colorado identified as United States Highway 160E (US 160E);

WHEREAS, that portion of US 160E is located between Mile Marker 0.085 of US 160E and Mile Marker 2.327 of US 160E, through the Town of Bayfield, (Exhibit A);

WHEREAS, Region 5 has determined that abandoning this portion of US 160E would be in the best interest of Colorado taxpayers;

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

WHEREAS, the Transportation Commission adopted Policy Directive 1003.0 to authorize the Maintenance Incentive Program as a pilot program and to establish the desirability of an alternative approach for abandonment of highway right of way that is no longer needed for the intent of the state highway system;

WHEREAS, the Executive Director of CDOT adopted Procedural Directive 1003.1 to provide for the implementation of the Maintenance Incentive Pilot Program established by Policy Directive 1003.0;

WHEREAS, the Town of Bayfield proposed to take ownership of US 160E between Mile Marker 0.085 of US 160E and Mile Marker 2.327 of US 160E, through the Town of Bayfield, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$6,800,000 from CDOT;

WHEREAS, \$6,800,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 160E over the next 20 years;

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 authorizing said proposal of Local Agency(ies) be funded and specifying that the highway segment would be transferred in an "as is" condition in exchange for the payment by CDOT to Local Agency(ies) on the date of transfer of ownership;

WHEREAS, 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;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Town of Bayfield pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the Town of Bayfield has adopted resolution #255 agreeing to the state's abandonment of the portion of US 160E agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the Town of Bayfield to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of execution of the IGA by CDOT, CDOT will execute a quitclaim deed to be recorded by the by the Town of Bayfield in the La Plata County Clerk and Records Office that will include a reversion 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 to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$6,800,000 to the Town of Bayfield, and that shall constitute the total consideration from the State to the Town of Bayfield related to the abandonment and transfer of the abandoned highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S) 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that US 160E between mile markers 0.085 and 2.327 is no longer needed for the State's highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, Sections 43-1-106, 43-1-110, 43-1-114, 43-202:7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of US 160E abandoned, as shown in Exhibit B, containing approximately 2.242 miles.

Herman J. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution #TC-1974**

**State Infrastructure Bank Loan to Gunnison County**

**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

WHEREAS, the General Assembly passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, a loan application has been submitted by Gunnison County (borrower), to borrow an amount not to exceed \$1,000,000 from the aviation account to help reconstruct the commercial apron to the south of the terminal building; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, in 2 CCR 605-1 regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

WHEREAS, pursuant to 2 CCR 605-1, Rule VI, Section 4 the Review Committee has reviewed and supports the application; and

WHEREAS, 2 CCR 605-1, Rule VI, Section 6 (2) provides "loan agreements for construction will specify that funds will be disbursed in their entirety to a third party fiduciary or escrow agent" unless the Transportation Commission provides a specific exemption; and

WHEREAS, the form of escrow agreement provided to CDOT requires an indemnity and CDOT's request to delete the indemnity, based on the prohibition against the state indemnifying private entities, has been rejected; and

WHEREAS, the Review Committee requests that, for this construction project loan, the borrower be specifically exempted from the requirement to attain a third party fiduciary or escrow agent and, instead, that CDOT be allowed to engage the services of an administrative agent to confirm proper documentation from the borrower for loan draws with CDOT directly disbursing funds to the borrower upon receipt of the administrative agent's confirmation; and

**Resolution #TC-1975**  
**Rule Making Policy Directive 20.0**

**Approved by the Transportation Commission on: April 21, 2011**

**WHEREAS**, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

**WHEREAS**, the Commission has established policies relative to formulating rules for consideration; and

**WHEREAS**, this policy directive has been revised to streamline and make the process for writing or rewriting CDOT rules more efficient. Citations have been updated and job processes have been given much more descriptive detail.

**NOW, THEREFORE, BE IT RESOLVED**, that Policy Directive 20.0, entitled Rule Making Policy, is hereby adopted as submitted as the standard policy for use in rule making by CDOT.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution #TC-1976**  
**Approval of Policy Directive 720.0 entitled Colorado State  
Infrastructure Bank (SIB)**

**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Colorado State Infrastructure Bank (SIB) has been developed as part of a federal pilot program, making interest bearing loans available to a public or private project sponsor of public transportation projects in all areas of Colorado, to help fund transportation projects; and

WHEREAS, it is the purpose of this policy to clarify the Departments rules, policies and procedures so that applicants know what and how to complete their applications and what to expect as their applications are processed; and

NOW, THEREFORE, BE IT RESOLVED, that Policy Directive 720.0, entitled Colorado State Infrastructure Bank (SIB), is hereby adopted as submitted as the standard use by CDOT.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Discuss and Act on the 11<sup>th</sup> Budget Supplement**

Chairman Gruen introduced Budget Director, Laurie Freedle, to discuss the 11<sup>th</sup> Budget Supplement. Laurie stated that she wanted to highlight a couple of items in the 11<sup>th</sup> Supplement as presented in the Agenda:

- Transfers to the Bridge Enterprise fund of Federal Aid Funds
- A Region 3 request to transfer Controlled and Deferred Maintenance funds to add additional bays in a property project in Kremmling
- Region 2 request to move Senate Bill 1 funds from a recently completed project on Powers Boulevard in Colorado Springs into Right of Way acquisitions

Chairman Gruen asked for a motion of approval for the item and Commissioner Aden motioned for approval of the Budget Supplement. Commissioner Ortiz seconded the motion. On a vote of the Commission, the 11<sup>th</sup> Budget Supplement was unanimously approved.

### **Resolution #TC-1977**

#### **Approval of the 11<sup>th</sup> Budget Supplement**

BE IT RESOLVED THAT, the 11<sup>th</sup> Supplement to the Fiscal Year 2010-2011 Budget be approved.

## **Discuss and Act on Approval of the FY 2011-2012 Departmental Budget**

Laurie Freedle stated that the budget had been amended with corrections asked for by the Transportation Commission in the March meeting and the April workshop on April 20, 2011. She reported that \$13.4M was moved to Surface Treatment. She reported that an item dealing with Gaming and MLOS is shown as an item in the budget because from one year to the next everything is shown that was in the last budget and then there is talk about its disposition before it disappears. She said that the Draft Budget contained a note that stated: “as response to the lack of additional gaming funding availability for maintenance and particularly safety measures in the areas around the Colorado gaming communities, the Transportation Commission approved the allocation of an additional \$1.2M from the state highway fund in FY10-11 for Maintenance Sections 3, 4, and 5 as these are the three maintenance sections which have gaming corridors within their boundaries”. She reported that an additional note had been added that stated: “due to the perceived intent of Senate Bill 11-159 and lack of surplus revenue, the Transportation Commission will discontinue a separate budget tracking for these areas and allow for the normal MLOS allocation method to provide funding”. She then asked for approval with the added note.

Chairman Gruen asked for a motion of approval for the item and Commissioner Parker motioned for approval of the Departmental Budget. Commissioner Erickson seconded the motion. On a vote of the Commission, Budget was unanimously approved.

**RESOLUTION #TC- 1978**  
**Approval of the FY 2011-2012 BUDGET**

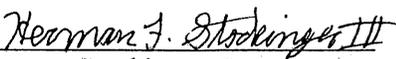
**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, in accordance with C.R.S. 43-1-113(2) the Transportation Commission submitted a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2011 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor for their review and comment; and

WHEREAS, C.R.S. 43-1-113(9)(c) requires that the Transportation Commission adopt a final budget allocation plan, which shall upon approval by the Governor constitute the budget for the Department of Transportation for Fiscal Year 2011-12; and

WHEREAS, the annual Long Appropriations bill will not yet be approved by the General Assembly prior to the adoption of this budget by the Transportation Commission and therefore minor adjustments may need to be made by staff after adoption of the FY 2011-12 budget by the Transportation Commission; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's Budget for the period of July 1, 2011 through June 30, 2012 is approved by the Transportation Commission and forwarded to the Governor for action. Staff is authorized to make minor adjustments to the budget based on changes needed to conform to the Long Appropriation bill. Those changes will be reported to the Transportation Commission at their next meeting following the date at which changes are made.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on Resolution to Approve Transfer of Assets from CDOT to the Bridge Enterprise**

Laurie Freedle reported that there were 8 bridges involved in the transfer and that they were under preconstruction and that that stage was completing. She declared that they bridges had no value on CDOT's books and did not meet the threshold for value and the transfer would be a non-tabor issue to the Bridge Enterprise.

Chairman Gruen asked for a motion of approval for the item and Commissioner Aden motioned for approval of the Resolution. Commissioner Kaufman seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution #TC - 1979**

**Transfer of Assets from CDOT to the Bridge Enterprise**

**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, the following structures are part of the Region 2, 4 and 6 bridge plans and are scheduled for pre-construction activities in Fiscal Year 2011 as part of the Bridge Enterprise program,

**Region 2 Structures**

L-22-K SH 71 ML over Ft Lyon Canal  
O-25-H US 160 ML over N Fork Sand Arroyo  
O-19-J US 350 ML over Draw  
P-19-AD SH 239 ML over Irrigation Canal

**Region 4 Structures**

B-17-L SH 14 ML over Coalbank Creek  
D-28-B US 34 over N Fork Republican River

**Region 6 Structures**

E-17-GL I-76 WB over S Platte River  
F-17-BS US 40 ML WBND over Sand Creek; and,

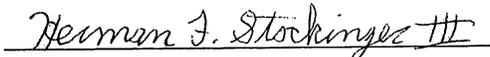
WHEREAS, pre-construction activities are scheduled to be completed for Region 2 structures L-22-K, O-25-H, O-19-J, and P-19-AD; Region 4 structures B-17-L and D-28-B; Region 6 structures E-17-GL and F-17-BS; and,

WHEREAS, in order to utilize Bridge Enterprise funding for completion of these projects, the ownership of the structures listed above must be transferred to the Bridge Enterprise; and,

WHEREAS, at the time of the conversion to GASB 34, which required state government to begin capitalization and depreciation of their infrastructure assets, roads, and bridges; the structures listed above were not included in CDOT's Fixed Asset Database, due to the historical cost of these structures falling below the capitalization threshold; and,

WHEREAS, the structures listed above carry no value according to CDOT financial records; and,

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the staff to transfer the structures listed above to the Bridge Enterprise at no cost.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the Resolution to approve the State Highway 82 Corridor Optimization Plan**

Dave Eller stated that at the March meeting of the Transportation Commission, there was a presentation on the Highway 82 Corridor and the proposed Resolution was to approve the Optimization Plan as presented in March and if the Commission had any questions, he would answer them or otherwise would ask for approval of the Resolution.

Chairman Gruen asked for a motion of approval for the item and Commissioner Aden motioned for approval of the Resolution. Commissioner Erickson seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution #TC-1980**

**Approval of the State Highway 82 Corridor Optimization Plan**

**Approved by the Transportation Commission on: April 21, 2011**

WHEREAS, the Commission has statutory authority pursuant to C.R.S. §43-1-106(8) (b) to assure that the preservation and enhancement of Colorado's environment, safety, mobility, and economics be considered in the planning, selection, construction, and operation of all transportation projects in Colorado; and

WHEREAS, the Commission has statutory authority pursuant to C.R.S. §43-1-106(8)(c) to make such studies as it deems necessary to guide the executive director and the chief engineer concerning the transportation needs of the State; and

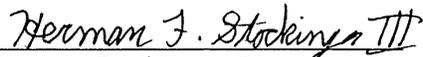
WHEREAS, on March 15, 2001 the Transportation Commission adopted resolution TC-937 and the Corridor Optimization Guidelines; and

WHEREAS, the Commission recognizes that land use decision making is the jurisdiction of local and county governments and seeks to ensure that local governments are informed about the affect local transportation and land use decisions have on the operation of the state transportation system; and

WHEREAS, in December 2005 the Transportation Commission approved TC-1392 initiating a Corridor Optimization Plan for SH 82; and

WHEREAS, CDOT staff presented an overview of the completed SH 82 Corridor Optimization Plan

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the SH 82 Corridor Optimization Plan.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the Resolution to Authorize a hearing for the repeal of "Rules and Regulations for the Erection, Administration & Maintenance of Tourist Oriented Directional Signs within Highway Rights-of-Way"**

Pam Hutton mentioned the Resolution was on page 122 of the Agenda Book and that the Resolution would provide staff with permission to combine the TODS rules with the LOGO Rules and that CDOT customers would then be able to be provided with one document, one set of rules, and one place to go for information on both types of signs. Pam stated that it made sense to combine the rules and that she was asking for the approval of the Resolution.

Chairman Gruen asked for a motion of approval for the item and Commissioner Reiff motioned for approval of the Resolution. Commissioner Kaufman seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution # TC-1981**

**Authorize a hearing for the repeal of "Rules & Regulations for the Erection, Administration & Maintenance of Tourist-Oriented Directional Signs within Highway Rights-of-Way"**

**Approved by the Transportation Commission on: April 21, 2011**

**WHEREAS**, section 43-1-420(3) C.R.S., directs the Transportation Commission of Colorado ("Commission") to adopt rules for the erection, administration and maintenance of tourist-oriented directional signs within highway rights-of-way not on the interstate system and not on freeways or expressways; and

**WHEREAS**, the Department of Transportation ("Department") seeks permission to combine 2 CCR 601-7, Rules, Regulations & Standards Pertaining to Specific Information Signs and Business Plaques (LOGOS) and 2 CCR 601-12, Rules & Regulations for the Erection, Administration & Maintenance of Tourist Oriented Directional Signs within Highway Rights-of-Way (TODS), by repealing 2 CCR 601-12 ("the Rule"), as a means to eliminate Rule redundancy by combining resources to save documentation, time and money for the Department and CDOT's customers that have interest in utilizing these similar signing programs; and

**WHEREAS**, the Code directs the Department to initiate a rule-making proceeding in accordance with the Administrative Procedures Act, section 24-4-103 C.R.S.; and

**WHEREAS**, the Commission agrees that consideration of repeal of the Rule is appropriate; and

**WHEREAS**, the Commission has the authority to conduct the rule making hearing pursuant to §43-1-108, C.R.S., or to delegate the authority to an Administrative Hearing Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Transportation Commission for its review and action concerning the promulgation of the rules; and

**NOW THEREFORE BE IT RESOLVED**, the Commission authorizes staff to prepare a draft of proposed Rule repeal, and to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule making for the purpose of promulgating the rules.

**BE IT FURTHER RESOLVED**, the Commission delegates its authority to conduct the rule making hearing to a CDOT administrative procedures officer and hereby directs the Hearing Officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and its repeal of the proposed Rule.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

### **Acknowledgements**

There were no acknowledgements to present.

### **Adjournment**

Chairman Gruen announced that the meeting was adjourned at 10:33 a.m.

*Herman F. Stockinger III*

---

Herman Stockinger, Secretary  
Transportation Commission of Colorado