

**Resolution #TC-2001**

**BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for June 16, 2011 are hereby approved as published in the official agenda of the July 20 & 21, 2011 Meeting.**

**Transportation Commission of Colorado  
Regular Meeting Minutes  
June 16, 2011**

**Chairman Les Gruen convened the meeting at 9:37 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  
Trey Rogers, District 1  
Gary Reiff, District 3  
Bill Kaufman, District 5  
Doug Aden, District 7  
Gilbert Ortiz, Sr., District 10  
Kimbra L. Killin, District 11

EXCUSED: Jeanne Erickson, District 2  
Heather Barry, District 4

ALSO PRESENT: Don Hunt, Executive Director  
Jennifer Finch, Director of Transportation Planning  
Ben Stein, CFO  
Heidi Bimmerle, Director of Admin and Human Resources  
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  
Paul Jesaitis, representing, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
Doug Bennett on behalf of 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**

Chairman Gruen introduced Mr. Tom Peterson and stated that he was from the Colorado Asphalt Paving Association and that Tom would be making a short presentation. Mr. Peterson thanked Commissioner Bill Kaufman for his service to the State of Colorado and then spoke about a recent trip to Washington, D.C. for a Nationwide Construction Coalition Group fly-in with many partners. He stated that they met with many key people and got a very good reception in the meetings.

### **Individual Commissioner Comments**

Commissioner Rogers stated that he wanted to give his personal thanks to Jennifer Finch, Peggy Catlin and Richard Reynolds for all that they had done. He also spoke of his appreciation for Bill Kaufman and recognized him for his service to CDOT and to the State of Colorado for his service in the Legislature.

Commissioner Killin stated that she also wanted to thank Jennifer Finch and Peggy Catlin for their service to CDOT and mentioned that they had both been great allies to have around and she learned a lot from both of them. She stated she really appreciated that. She also mentioned that she had agreed to stick around for awhile and that she had decided not to put her name back in for the Commission but, that she had agreed to stick around until a good replacement is found which would be the Governor's decision.

Commissioner Ortiz declared he wanted to thank Bill Kaufman for the help Bill gave him when he first joined the Commission and that he hoped the replacement could fill his shoes. He also thanked Peggy and Jennifer for their service to CDOT.

Commissioner Aden declared that he wanted to say to Jennifer that she and Richard had been the constants in the 14 years that he had been on the Commission and that he wanted to thank her for everything she had done for CDOT and for him personally. He mentioned that he thought that her role would be frustrating as the planning can be vague and requires a lot of diplomacy and he said he felt that the Commission, at times, didn't give staff the clear direction that they would be looking for and that he thought Jennifer was great at working through that. He said she would come back with a professional product and that he was always confident with the good work she presented. Doug mentioned that even though Peggy wasn't in attendance, he wanted to thank her and mentioned that her work in the very beginnings of CDOT's efforts to begin tolling were very important. He stated that tolling will be an important piece of CDOT's funding stream moving forward. He reported that Peggy had done a lot of good work

getting that effort started. Doug wondered what to say about Bill Kaufman and quipped that he wouldn't have anyone to kick around anymore. Doug confirmed that Bill's long career of public service in the State had made Colorado a better place and that he would be greatly missed.

Vice Chairman Parker mentioned that a few years ago there was a lot of support for Referendum C and CDOT had additional money and it was determined that this would be a chance to do something for Transit. He declared that Jennifer and her staff had done an amazing job helping a diverse group of people come together and create a brand new entrepreneurial aspect to transit. He thanked Jennifer for her leadership and help in creating something that had never been done and that it had converted the Highway Department to a true Department of Transportation. Commissioner Parker said that he was saving some of his remarks for Richard Reynolds for meetings they would be having later but, that he had done a great job for Southwest Colorado and that he would be missed. Commissioner Parker stated that the prospective that Bill Kaufman had brought to the Commission from his experience with the Legislature and his legal experience was extremely valuable. He thanked him for all he had done and also told him to thank his wife for allowing him to serve because of the time commitment it involved.

Chairman Gruen mentioned that he and the Executive Director would be spending time honoring the career that Jennifer Finch had dedicated and given to the citizens of the State, her colleagues and the Commission. He mentioned that he wanted to thank her and echo the comments made by his fellow Commissioners. He stated that the patience she had shown to him personally and the way that she had been able to navigate all of the rules that have to be navigated had been exceptional and that he wanted to thank her. He stated that Peggy and Richard weren't in attendance but that the contributions they have made to CDOT have been so appreciated. He said that Bill Kaufman had been so important to everybody and that he would be missed. Chairman Gruen said that Bill's prospective had been critical in the time the he had been on the Commission and that even though Bill wouldn't be around on a monthly basis anymore, hopefully he could still be called and visited.

Commissioner Kaufman thanked all and mentioned that he had recently attended his final MPO meeting in Greeley and was able to say good bye to lots of folks. He declared that probably the capstone to his CDOT career would be the groundbreaking at the I-25 & Highway 392 exit for Windsor off of I-25 which had been the big, major project in northern Colorado and that CDOT, Windsor and Fort Collins were working together on the project. Commissioner Kaufman stated that they would be inviting him to the groundbreaking and that he was really interested in attending the event, as the project was something he wanted to see done during his time at CDOT. He stated that he had been unable to attend the May meeting but, that he wanted to express his thanks to Peggy, Jennifer and Pam and the contributions that all 3 had made to CDOT and that they had always been great to him and helped him whenever it was needed. He declared that they will all be missed. He stated that in his thoughts of what to say on the day of his last meeting was that he wanted to thank everybody he had served with on the Commission and all those staff members at CDOT who had done a great job for the State of Colorado. He confirmed that he had just finished a book "Washington a Life" by Ron Chernow which was a biography on the life of George Washington and that

it was the finest Biography he had ever read on George Washington. He declared that the thing that struck him the most about George Washington and he said he felt that it applied in this situation was that, early on, George Washington didn't see the United States as one state against the other but as one Country and that he felt that if George Washington was present he would see this as one state and he would see that the mission for CDOT was to provide a transportation system for the entire state. He stated that in his opinion, that is what CDOT has always done in the span of time that he had spent in service to the State. Commissioner Kaufman said that everyone should be commended for the accomplishment of that mission.

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

Director Hunt stated that he wanted to echo all of the comments in regards to Bill Kaufman and that in his four months with CDOT he thought that Bill had exemplified the kind of Commissioner there have always been at CDOT with his thoughtfulness and vision. He declared that Bill had a "Washingtonian" approach and stated – "that is what it is all about". He thanked Bill and confirmed that it had been a privilege to get to know him. He reported that he liked to give everybody a flavor of what had been going on by telling about where he had been outside of CDOT in the month and that he had attended the following events and meetings:

- Met with Denver Metro Chamber Transportation Committee
  - The organization had been instrumental in helping to pass initiatives in the past
  - CDOT will be needing their support in the upcoming years
  - Discussions beginning in the Governor's Office about transportation
  - There are challenges in funding between Education and transportation
  - Transportation is on the top line agenda
- I-70
  - very active in the month
  - The Signing of the Record of Decision would be following the Transportation Commission Meeting
  - He attended a part the I-70 workshop on Traffic Operations
  - A lot has been done on the I-70 Mountain Corridor and needs to keep being done
- Clear Creek County
  - Met with Tony DeVito and Jacob Morgan the Idaho Springs Mayor
  - Clear Creek County and tour and discussion
  - Met with Clear Creek Commissioners
- US 36
  - Meeting of the Mayors and Commissioners Coalition
  - Highest Priority Project at CDOT currently
  - RTD Partnership and moving the project forward
  - Managed Lanes, Priced lanes and adding capacity and hoping to find ways with the HPTE to extend the project all the way to Boulder

- Metro Mayors Caucus meeting
  - Transportation funding situation
  - Mayor Tower stood in support for a RTA in Metro Denver
  - Met with interest and the area has waited long enough
  - RTA legislation is on the books in places like Colorado Springs
  - a couple of other places have used the tool as well
  
- AMTRAK Visited CDOT
  - A Line runs from Kansas City to Albuquerque
  - There is difficulty maintaining the quality of the rail
  - Burlington Northern Railroad is looking at abandoning the maintenance of the line
  - The line crosses through the southwest corner of the state
  - Serves 3 cities
  - There is question if the 3 states, AMTRAK and Congress can find a way to fund the line
  - Hate to lose rail service in the state
  
- CDOT Internal
  - Announced that with the Retirement of Pam Hutton, Tim Harris has been named as the new Chief Engineer
  - DTD - Debra Perkins-Smith will join CDOT on July 1, 2011
  - The Process Improvement Director selection process is down to 3 candidates and the interviews will be complete by the end of the month with a new Director selected
  - There will be 2 new RTD's to hire with the Retirement of Richard Reynolds and the Promotion of Tim Harris
  
- Attended the Region 4 Helping Hands Golf Tournament
  - Took a team from HQ to the tournament
  - They followed the rules
  - Lost by 7 strokes to Johnny Olson's Team

### **Chief Engineer Report**

Acting Chief Engineer, Scott McDaniel spoke kindly of Jennifer Finch and his first meetings with her and how she demonstrated her leadership and abilities. He delivered the following report:

#### Summary

- Spring Conditions
- Fuel Card Usage Controls

#### Spring Conditions

- Flooding
  - Patrols monitoring
  - Mitigation work by Patrols
  - Staff Bridge notification of scour critical bridge monitoring

- Sliding Slopes

- R4
- R5

Region 3 Flooding Update

- Glenwood Canyon
  - Closed path due to flooding
  - Slab and bridge damage
- Rifle Rest Area / Information Center
  - Levees built
- I70 West of Fruita – high water under bridge
  - Backhoe on sight, outside lanes closed

Other Region 3 Rivers Flooding Update

Highways:

- SH 125 washout MM 9
  - Repaired
- US 40
- US 13

Rivers:

- Yampa River
- Willow Creek
- Colorado River

Region 4 SH 14 Slide – Cameron Pass

- Patrols Monitoring
- Mitigation Work by Patrols
- Emergency Repairs Needed
- R4 Rivers and Highways Under Watch
- Estimated \$3.5M needed to repair

R4 Rivers and Highways Under Watch

Rivers

- Poudre River
- Platte River
- St. Vrain River

Highways

- SH 392
- SH 385
- SH 257
- I-25

Region 5: Trout Lake Slide

\$1M needed for emergency repairs

Fuel Card Usage Controls

Future Controls

Current Fuel Controls by June:

- Receipt Reconciliation

- Protection and Storage of Fuel Cards and Keys
- Reduce Availability of 4-digit PIN Numbers

Controls by October:

- Change Card Reader Access
- Update PD 6.0 and 6.1
- New Wright Express Platform

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

HPTE Director, Michael Cheroutes reported on the following topics for the month of June:

### **US- 36**

- Project using the most of the Enterprise time
- Fitch Rating Company people were on-site at CDOT
- They were interested in learning about US 36 and other projects in the area
- John Schwab and Angie Drumm were great help during the visit
- They helped to solidify the rating agency's opinion that CDOT could complete the project
- Ben was great during the visit: Mike confirmed, "When Ben Stein speaks, Wall street listens"
- The group went on a tour to the corridor, but missed the peak congestion period
- They were impressed with the need for the project
- Met with the Mayors in the corridor
- The financing for the project with TIFFIA looks like it will have loan approval in July
- Negotiations will then follow
- \$54M is still the requested dollar amount

### **US 36 Second Phase**

- P3 Advisory Team holding meetings
- By mid-July there will be an idea of alternatives that may be financially supported
- There will be an investors forum in late July
- The feeling is that there will be strong interest in Phase 2 of the project
- The Enterprise will be actively soliciting proposals after September

### **Other News**

- A Visit to Seattle is scheduled to look at the toll roads around the city
- Should return with ideas and their feasibility in Colorado
- He encouraged individual Commissioners to call and go into a deeper discussion of financing if they're interested

In closing, Mike said Good bye to Bill Kaufman and thanked him for his help and advice when he served briefly on the Transportation Commission.

## **FHWA Division Administrator Report**

John Cater reported the following:

### **Washington, DC trip**

- Focus on Financial Accountability
- Being good stewards of the tax payer's dollars
- Impacts to Colorado
- Scrutiny at FHWA
- Emphasis on Process used for approvals
- To include the processes used for Local Public Agency Approvals and accountability

### **Every Day Counts going well in Colorado**

- New Technologies
- New Processes
- More Efficiency and making every day count
- 491 Initiatives Nationwide
- In Colorado, all Initiatives are being tackled
- Excited with the progress being made
- Colorado received recognition for efforts in Design Build and CMGC (Construction Manager General Contractor)
- Not many other states are taking these on

### **Reauthorization**

- Senate and House are working on it and having hearings
- His office is hearing glimmers of hope
- Opportunity for bi-partisan consensus

### **Region 4 Visit**

- Appreciated the visit
- Opportunity was useful in person to understand the issues better than reading a report
- Thanked Johnny Olson

### **STAC Report**

Vince Rogalski mentioned that the STAC had its regular meeting on Friday, June 10, 2011 and discussed the following items:

Federal & State Legislative Update- Mickey Ferrell & Melissa Nelson

- 6 year re-authorization being discussed in House of Representatives
- would leave CDOT with \$850M less money at the end of 6 years
- Senate is looking at a 2 year re-authorization
- CDOT would find this a better scenario
- Colorado Legislature
- Faster Bill remained intact

Inter-regional Connectivity Study

- Study to pinpoint alignment, technologies for High speed rail & Fastraks
- CDOT \$1M Grant from the Federal Rail Association with a match to go to the study

## FTA Discretionary Grant Program and Criteria for analyzing applications

- Replacement busses taking priority over new capacity & facilities

## Transit and Rail Advisory Committee Update

- Discretionary Grant Criteria
- Railroad and at grade crossings
- Problems with Railroad's response to problems

In closing Vince reported that the STAC had an agenda item for the recognition of Jennifer Finch and her service to STAC and CDOT. He reported that they thanked her and acknowledged that she was a valuable Asset and would be missed.

## **Committee Reports**

### **DBE Committee**

Commissioner Kaufman delivered the following report on the June 15, 2011 meeting of the DBE Committee.

- For the period October 1 to April 30<sup>th</sup>, 14.4% of contracts were committed to DBEs, exceeding the overall annual goal of 13.29%.
- Based upon public request, the Center for Equal Opportunity also calculated the number of firms receiving DBE contracts. The 205 DBE contracts were committed to 81 different firms.
- Today the Center for Equal Opportunity, through Hearing Officer Casey Tighe, will request the Commission's adoption of the ESB Program Rules, which, if approved, will become effective in August 2011. Staff is concurrently working on guidelines for the program and project provisions to implement the program on CDOT contracts.
- The Center for Equal Opportunity has started a Small Business Forum to communicate with the community regarding small business issues and to increase the transparency of CDOT for small businesses. The next meeting is August 8<sup>th</sup> at 3pm; Donald Hunt and Tim Harris will be speaking at that meeting and all are welcome to attend.
- CDOT has a very successful Wounded Warrior program, where we employ injured veterans for six month temporary positions to help them transition from the military to civilian life. We have employed nine veterans to date.
- On July 12<sup>th</sup>, the Center for Equal Opportunity and Region 6 will cohost a Region 6 Open House to provide an informational session and networking venue for small businesses.
- Regarding the ESB Program Rule Adoption
  - The primary concern of small businesses was the large increase in the program size standards
  - Staff attempted to address this concern, by letting the public know that there will be tiers of business size within the program.
  - To alleviate public concern, all tiers will be detailed in the program guidelines which will go before the DBE Committee and be available for public comment at least one month before adoption.

- Staff is thankful for the community input and hopes that individuals will continue to participate in the development of the Program Guidelines and the detailed project incentives.

### **Transit and Intermodal Committee**

Commissioner Parker delivered the following report on the Transit and Intermodal Committee Meeting that was held on Wednesday, June 16, 2011:

- A few Commissioners outside the Committee had some concerns about the FREX funding issue, so they joined us to discuss them. Commissioners expressed concern with the seeming lack of strong local support for FREX, with the lack of a financial plan for FREX beyond 2014, and with the ongoing amount of time we spend on FREX. There was consensus, and a recommendation by the Committee, that of the \$440,000 of Senate Bill 1 funds being held in escrow, \$220,000 could be used for FREX operations this year, but that the remaining \$220,000 is off the table for future FREX operating and capital use; and that it is time for more meaningful action at the local level to determine FREX's future.
- We heard that prioritization criteria have been established for the upcoming FTA capital grants, and that the FRA has finally obligated the funds for the Interregional Connectivity Study. We were briefly informed that the 6-year lease/sale agreement for the Towner Line—the rail line we own—is expiring soon; it is expected that the company leasing the line will make the final payout later this year. We'll be having more discussions on the implications of this in the near future.
- Jennifer Finch reported that Commission guidance from the 1990s restricted use of CMAQ funds for bike paths to those making transit connections, discouraging paths with a recreational use. Given CDOT's new bike policy, the Committee agreed that it is now appropriate to give MPOs more flexibility in the selection of bike path projects.

### **Act on Consent Agenda**

Chairman Gruen stated that the next item on the Agenda was the Consent Agenda and noted that there was a typing error in paragraph 3, page 33 where the year should read 2012 rather than 2011.

Chairman Gruen asked for a motion on the item and Commissioner Kaufman made the motion to approve the Consent Agenda. Commissioner Rogers 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.

### **Approve the Special & Regular Meeting Minutes of May 18 & 19, 2011**

### **Resolution #TC-1992**

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of May 18 & 19, 2011 are hereby approved as published in the official agenda of the June 15 & 16, 2011 meeting Agenda.

**Approve the Resolution for the STIP Policy Amendment Package #38**

**Resolution # TC- 1993**

**Resolution to Approve STIP Policy Amendment Package for Amendment #38**

**Approved by the Transportation Commission on: June 16, 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 #38 was provided from May 20, 2011 through June 15, 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 #38 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

# **Approve the Resolution for the Declaration of Excess Right of Way on Parcel 818-BX**

## **Resolution # TC- 1994**

**Resolution to Approve Parcel 818-BX of Project No. I-70-1(45) Sec. 8 be declared excess right of way**

**Approved by the Transportation Commission on: June 16, 2011**

Project No: I-70-1(45) Sec. 8  
Parcel: 818-BX  
Location: I-70 @ Parachute West Interchange  
County: Garfield

WHEREAS, the Colorado State Highway Department acquired Parcel 818-B in 1981 for I-70 right-of-way under Project No. I-70-1(45) Sec. 8;

WHEREAS, During the development of construction and right-of-way plans for the I-70 Parachute West Interchange Project (Project No. IM 0702-310, Project Code 18018), Region 3 discovered a portion of Parcel 818-B was no longer needed for transportation purposes in the foreseeable future;

WHEREAS, additional right-of-way will need to be acquired from the ownership that adjoins Parcel 818-B for the I-70 Parachute West Interchange Project (Project No. IM 0702-310, Project Code 18018);

WHEREAS, the adjoining property owners have expressed an interest to acquire a portion of Parcel 818-B;

WHEREAS, the Department of Transportation, Region 3 would like to exchange a portion of Parcel 818-B for the additional right-of-way required for the I-70 Parachute West Interchange Project (Project No. IM 0702-310, Project Code 18018);

WHEREAS, the Department of Transportation, Region 3 has created a legal description for the portion of Parcel 818-B that is no longer needed for transportation purposes in the foreseeable future and labeled the parcel as Parcel 818-BX;

WHEREAS, the Department of Transportation, Region 3, recommends that the property described as Parcel 818-BX of Project No. I-70-1(45) Sec. 8 be declared excess right of way and no longer needed for transportation purposes in the foreseeable future;

WHEREAS, the Department of Transportation has declared through Pamela Hutton, as Chief Engineer, that Parcel 818-BX of Project No. I-70-1(45) Sec. 8 is no longer needed for transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 818-BX of Project No. I-70-1(45) Sec. 8 is no longer needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to exchange or sell Parcel 818-BX of Project No. I-70-1(45) Sec. 8 as shown in Exhibit A and contained in the official agenda containing 4.556 acres more or less at its fair market value.

FURTHER, any funds from the sale of the property over and above the value of the right-of-way acquired in the proposed exchange shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Approve the Resolution for the Declaration of Excess Right of Way on Parcel  
270 X**

**Resolution # TC- 1995**

**Resolution to Approve Parcel 270 X be declared excess right of way**

**Approved by the Transportation Commission on: June 16, 2011**

Project Code: 91309  
Project No: NH 2873-068 Unit 2  
Parcel: 270X  
Location: Jct. N. CR 17E & Hwy 56  
County: Larimer

WHEREAS, the Colorado State Highway Department acquired right of way in the early 1920's under Project Number FAP 283A for State Highway No. 1;

WHEREAS, that portion of State Highway 1 came to be State Highway 287;

WHEREAS, State Highway 287 was realigned by Project NH 2873-068 Unit 2 in 2001 and the area not to be used for transportation purposes was declared Parcel 270X;

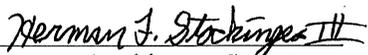
WHEREAS, the area still used for transportation purposes was abandoned in 2007 to the Town of Berthoud under resolution number TC-1492;

WHEREAS, the Department of Transportation, Region 4, recommends that the property described as Parcel 270X created by Project NH 2873-068 Unit 2 be declared excess right of way and no longer needed for highway purposes in the foreseeable future;

WHEREAS, the Department of Transportation has declared through Pamela Hutton, as Chief Engineer, that Parcel 270X is no longer needed for highway purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this portion of right of way is not needed for highway purposes; and

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 270X of Project NH 2873-068 Unit 2 as shown in Exhibit A and contained in the official agenda containing 36,030 square feet (0.83 acres) more or less and selling the excess right of way in accordance with Colorado Revised Statute 43-1-210(5) at its fair market value. FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Approve the Resolution for approval of the Project list of over \$50 Thousand for FY 2012**

**Resolution #TC-1996**

**Approval of Projects that exceed \$50 thousand, but are less than or equal to \$150 thousand for FY 2012**

**Approved by the Transportation Commission on: June 16, 2011**

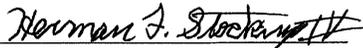
**WHEREAS**, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

**WHEREAS**, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

**WHEREAS**, CDOT staff have prepared cost estimates for projects to be done in Fiscal Year 2011 as detailed in the memorandum entitled, Fiscal Year 2012 Projects by Maintenance Forces Requiring Transportation Commission Approval dated June 16, 2011; and

**WHEREAS**, the funding for these projects is contained in the Fiscal Year 2012 Budget.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission has reviewed the cost estimates, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the projects therein.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the 1st Budget Supplement**

Ben Stein mentioned that the Budget could be found on page 34 and asked if there were any questions. There were no questions so he proceeded to the following walk on items:

Region 2:  
\$500, 000 for the Pinion Rest Area

Region 4:  
\$3.5M SH 14 - Cameron Pass Slide Area

Region 5:  
\$989,000 SH 145 - Trout Lake

Region 6:  
\$2.74M of Region 6 Bridge Money, not Bridge Enterprise funds, to repair Bridge Deck repair on I-270

Commissioner Aden asked for clarification that if \$62M was in the TC Contingency, after the passing of these walk on items the fund goes to \$58M. Ben confirmed that and stated that other unused funds would come out of projects and would flow into the Contingency.

Chairman Gruen asked for a motion of approval for the item and Commissioner Aden motioned for approval of the Budget Supplement. Commissioner Parker seconded the motion. On a vote of the Commission, the 1<sup>st</sup> Budget Supplement was unanimously approved.

**Resolution #TC-1**  
**Approval of the 1st Budget Supplement**

BE IT RESOLVED THAT, the 1<sup>st</sup> Supplement to the Fiscal Year 2011-2012 Budget be approved.

**Discuss and Act on the Resolution for the Adoption of ESB Rules**

Casey Tighe reported that a rulemaking hearing was held and that there had been several comments. He said that many of the comments were in regards to eligibility for the ESB program and that the concern firms had were that by adopting the rules using the Small Business Administration guidelines for Emerging Small Businesses that more large businesses would become eligible for the program. He said that the Center for Equal Opportunity Staff's response was that rulemaking is cumbersome and that there was an interest in not setting the threshold of size of business within the Rules and that using the SBA guidelines will give a little more flexibility over time to the program and allows for the ability to craft "project specific" incentives that could be targeted to smaller firms. Casey said that he felt the staff had given a reasonable response to the concerns and that he had prepared a record for the hearing with a recommendation that the rules, as amended can be adopted. Casey asked if there were any questions, and there were none. He noted where the Resolution for adoption of the recommendation of the hearing officer could be found and requested approval of the Resolution.

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

**RESOLUTION #TC-1998**

**Proposed Rules and Regulations by the Colorado Department of Transportation (CDOT) for Emerging Small Businesses (ESB)**

**Approved by the Transportation Commission on: June 16, 2011**

**WHEREAS**, Section 43-1-106(8)(p)(I) C.R.S., authorizes the Transportation Commission of Colorado (the "Commission") to adopt rules and regulations to establish an emerging small business program to promote the participation of small business on CDOT construction, professional services and practice of research; and

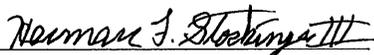
**WHEREAS**, in 1991, the Commission adopted rules and regulations governing the administration of the Emerging Small Business (ESB) Program (the "rules"); and

**WHEREAS**, on March 17, 2011, the Transportation Commission approved Resolution Number TC- 1964 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing and prepare a complete record of the hearing and recommend new rules based upon evidence presented at the hearing; and

**WHEREAS**, the rulemaking hearing was conducted on May 24, 2011; and the Hearing Officer made a complete procedural record of the hearing and the recommended changes to the existing Rules are based upon the evidence presented at the hearing; and

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission has considered the record and the recommended decision of the Administrative Hearing Officer.

**BE IT FURTHER RESOLVED**, the Transportation Commission hereby adopts the recommended decision of the Administrative Hearing Officer, making it a final agency decision and adopting all changes to the Rules as prescribed in the record.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

Chairman Gruen stated that Item 13 regarding Transportation Commission Rules was being postponed.

**Discuss and Act on the Resolution to approve the SIB Interest Rate for the 1<sup>st</sup> half of 2012**

Ben Stein stated that every 6 months it is required to approve a new interest rate for the State Infrastructure Bank and that he was recommending the rate of 3 & 1/4 %. Ben asked for approval of the Resolution.

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

**Resolution #TC-1999**

**Colorado State Infrastructure Bank Interest rate for first half of the State fiscal year 2012**

**Approved by the Transportation Commission on: June 16, 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 has 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, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November; December of the next fiscal year; and

WHEREAS, based on the latest 10 year bond issuance by the Denver City & County Airport trading in an unusually wide range of about 3.5 to 4.0 percent and the 10 year treasury rate hovering around the 3.0 percent mark, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of 3.25 percent on loans and that no origination fee shall be assessed on bank assistance for the first half of the State fiscal year 2012.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of 3.25 percent and no origination fee on bank loans for the first half of the State fiscal year 2012.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the Resolution to delegate authority to the Executive Director to approve a refunding of the Tax Revenue Anticipation Notes (TRANs)**

Chairman Gruen stated that the item had been discussed in the workshop on June 15, 2011 and Ben Stein confirmed that statement. He mentioned that if anyone had any further question, he would answer them.

Chairman Gruen asked for a motion of approval for the item and Commissioner Kaufman motioned for approval. Commissioner Ortiz seconded the motion.

Commissioner Parker declared that he was abstaining from the vote because he owns some of the bonds.

On a vote of the Commission, the following Resolution was approved with the Vice Chairman abstaining from the vote.

**Resolution #TC-2000**  
**Authorizing Refunding of 2004A Tax Revenue Anticipation Notes (TRANS)**

**Approved by the Transportation Commission on: June 16, 2011**

WHEREAS, pursuant to C.R.S. 43-4-701, et seq., and the November 1999 statewide election, the Colorado Department of Transportation (CDOT) was authorized to issue Transportation Revenue Anticipation Notes (TRANS) for purposes of financing qualified federal aid transportation projects; and

WHEREAS, CDOT issued several series of TRANS between 2000 and 2004, including \$134,640,000 in principal amount of Series 2004A TRANS, and

WHEREAS, C.R.S. 43-4-705(9) authorizes the CDOT Executive Director to refund any outstanding TRANS pursuant to article 56 of title 11, C.R.S.; and

WHEREAS, CDOT's financial advisor has indicated that CDOT, by refunding the Series 2004A TRANS at present favorable rates, could save up to \$5 million in total interest payable over the life of the Series 2004A TRANS.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes CDOT's Executive Director to pursue, and if appropriate execute a refunding of the Series 2004A TRANS provided that the transaction results in not less than \$4 million in total interest savings payable on the Series 2004A TRANS.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

## Acknowledgements

Chairman Les Gruen declared that three longtime CDOT employees, senior managers, and friends were leaving CDOT at the end of June. He stated that he and Executive Director, Don Hunt, wanted to take a few moments on the agenda to recognize them, to say a heartfelt thank-you, and to wish them well as they would be moving on to the next chapter in their professional and personal lives.

Chairman Gruen stated that the recognition would begin by honoring **Peggy Catlin**, who was not present but Director Hunt stated that they wanted to recognize her and said that Peggy had served CDOT since 2000 as Deputy Executive Director and that she came to CDOT from the private consultant sector and served with three Executive Directors during a momentous time in CDOT history. Director Hunt confirmed that Peggy had accomplished much for CDOT over the past decade, but stated that he knew that one of her favorite projects was helping CDOT establish the Colorado Tolling Enterprise and launch the I-25 tolled Express Lanes, a project that had received national recognition. He reported that over the years, Peggy had served on the executive oversight committees of a number of projects including COSMIX, T-REX and Denver Union Station and that during her time with CDOT, she had stepped in and assumed a variety of other roles including the Acting Director of the Colorado Tolling Enterprise and filled in as Chief Engineer and CFO at times when those positions were vacant. He said he would tell Peggy personally that he wishes her the best of luck in all of your future endeavors and Thank you for your exemplary service.”

Les Gruen stated that it was unfortunate that Peggy couldn't be there but that he concurred with everything Mr. Hunt had said and on behalf of the Commission, wished her all the best. He mentioned that he hoped to be able to tell her this in person before she would leave at the end of June.

Chairman Gruen stated that at the May meeting, every member of the Commission had recognized Richard Reynolds, the Region 5 Transportation Director and that the Executive Director would be travelling to Durango to continue some good natured harassment during Richard's final weeks with CDOT.

Don Hunt mentioned that he and Tim Harris would be taking a road trip that would include stops in Durango and Grand Junction.

Richard wasn't able to be with us today; he said his goodbyes in person at the Commission meeting in May. In absentia, we thank Richard for his service, his leadership, and his commitment to CDOT.

For Jennifer Finch

Les Gruen stated that the final recognition would be for Jennifer Finch, a 34-year Department of Highways and Department of Transportation employee. He remarked to Jennifer that that length of time was incredible. He declared that the final 15 years or so of Jennifer's career had been spent as Director of the Division of

Transportation Development, where she had been involved in some remarkable projects and initiatives.

Don Hunt stated that in 2007, Jennifer had been awarded the Dr. L. I. Hewes Award for outstanding environmental contributions to state transportation by WASHTO. And that in the same year, she was also awarded the Alfred E. Johnson Achievement Award by AASHTO. He confirmed that the awards were evidence that Jennifer had made her mark in a variety of areas, among them the following:

- \* Development of CDOT's environmental ethic;
- \* Development of the CDOT Environmental Stewardship Guide;
- \* Spearheading founding of the Colorado Transportation Resource Council;
- \* Streamlining of CDOT's Environmental Management;
- \* Shortgrass Prairie Initiative;
- \* 2030 Statewide Transportation Plan;
- \* Strategic Transit Task Force, which paved the way for our current Transit & Rail Division;
- \* Ad Hoc Committee on Tolling.

Mr. Hunt mentioned that there some of the projects she had been involved with, were Glenwood Canyon I-70 Final Link; the Berthoud Pass improvements, and T-REX. He said that it was not often in meetings with our planning organizations that I don't hear a nice word about her and that Jennifer had been a stable force within CDOT and regularly helped turn controversy into collaboration. Mr. Hunt confirmed that CDOT looks forward to building on the solid foundation she had built for the environmental ethic and for long-range planning. He stated, "Jennifer, we wish you the best of luck in all that you choose to do from this point forward and from the State of Colorado, we Thank You for your exemplary service."

After a standing ovation, Jennifer Finch addressed the gathering and said that it had been a great honor to work with all of the Commissioners, Doug Aden being the one she had worked with the longest. She said that it had been amazing to see how the different personalities on the Commission handled the responsibilities that came with the job. She spoke in depth about CDOT and those who work for CDOT and said that there were excellent employees and she had enjoyed every minute of her 34 Year Career.

Chairman Gruen thanked Jennifer for everything she had done and mentioned that he would personally echo everything Mr. Hunt and all of his colleagues had said in regards to her exemplary service to CDOT.

### **Achievement Award for employees of Alamosa Maintenance Section 7 in Region 5**

- Achievement Awards in the category of Service were given to Salida-area residents Gene Hapl and Ron Bergmann, both employees of Alamosa Maintenance Section 7, CDOT Region 5, based at Poncha Springs. Also honored was former CDOT employee Dustin Hapl of Salida. Dustin Hapl is Gene Hapl's son. The amazing story of how the men saved a skier from an

avalanche was told by the Deputy Superintendent from the area, Richard Marquez. The group received certificates and a huge round of applause from the audience.

### **Mentor Protégé Program Participants Recognition**

Heidi Bimmerle presented certificates for all participants in the program.

- Deborah Ferraro, A Creative Environment (cannot attend – temporarily relocated to San Diego)  
Matched with: Gina McAfee, Jacobs Engineering (cannot attend – represented by Jay Brasher from Jacobs)
- Jason Margraf, J3 Engineering Consultants  
Matched with: Skip Hlad, AECOM
- Kari McDowell, McDowell Engineering  
Matched with: Zeel Patel, HDR (no certificate/not attending – left HDR)
- Jeff French, Peak Civil Consultants  
Matched with: Maureen Paz de Araujo, HDR (cannot attend – represented by Bahram Seifipour from HDR)
- Richard Pagan, RJ Pagan and Associates  
Matched with: Jeffery Kullman, PBS&J
- Eduardo San, San Engineering  
Matched with: Steve Smith and Brad Doyle, Parsons
- Peer Advisors:
  - Lauren Evans, Pinyon Environmental
  - Saeid Saeb, Rocksol Consulting
  - Navin Nageli, Navjoy (no response/not attending)

Heidi introduced Marilen Reimer, the executive director of ACEC and Marilen spoke about the importance of the program and thanked everyone involved.

### **Recognition of Commissioner Bill Kaufman**

Chairman Gruen stated that there was another sad part to the meeting – the parting of Commissioner Bill Kaufman. He quipped that everyone had taken a shot at him earlier and that there was a gift. He was presented with a framed picture from Region 4. Chairman Gruen thanked him for the time, energy and effort Commissioner Kaufman had shared over the years. Commissioner Killin stated that she had saved her comments for Bill to now and that he had been particularly special to her as they had shared Region 4 together and that she appreciated his respect of the needs of eastern Colorado. She thanked him as a great friend, colleague and she thanked him for the respect he had shown to all of Region 4. Commissioner Reiff

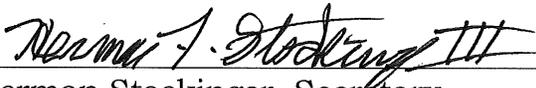
mentioned that he had stepped out during the Commissioner Comment section of the meeting and that he wanted to echo what he imagined were the accolades for Commissioner Kaufman. He said that Bill's record of Public Service is exemplary and second to none and was a model for all to admire. He wished Bill the best of luck.

**Other Matters**

Chairman Gruen announced that with respect to other matters, he had asked Commissioner Aden to chair the Nominating Committee and that Commissioners Rogers and Ortiz would talk about the next slate of officers and report back to the Commission at the July meeting.

**Adjournment**

Chairman Gruen announced that the meeting was adjourned at 11:12 a.m.



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Herman Stockinger, Secretary  
Transportation Commission of Colorado