

**Resolution #TC-2066**

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for February 15 & 16, 2012 are hereby approved as with corrections made to the version published in the official agenda of the March 21 & 22, 2012 Meeting.

**Transportation Commission of Colorado  
Regular Meeting Minutes  
February 16, 2012**

**Chairman Steve Parker convened the meeting at 9:33 a.m. in the PPACG Main Level Conference Room in Colorado Springs, CO**

PRESENT WERE: Steve Parker, Chairman, District 8  
Trey Rogers, District 1  
Ed Peterson, District 2  
Kathy Gilliland, District 5  
Kathy Connell, District 6  
Les Gruen, District 9  
Gilbert Ortiz, Sr., District 10

EXCUSED: Doug Aden, District 7  
Gary Reiff, Vice Chairman, District 3  
Heather Barry, District 4

ALSO PRESENT: Don Hunt, Executive Director  
Ben Stein, CFO  
Tim Harris, Chief Engineer  
Casey Tighe, Audit Director  
Stacey Stegman, Public Relations Director  
Tom Wrona, Region 2 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

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

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

## **Audience Participation**

Chairman Parker recognized a large number of people from the public who were signed up to address the Commission to include:

- Mrs. Powell who spoke about difficulties with transit services in Colorado Springs and Chairman Parker referred her to the FREX organization and DRCOG regarding connections in the Denver area.
- Earl Wilkinson, Public Works Director for the City of Pueblo who spoke on behalf of the Dillon/Eden Interchange and its merits for submission of a TIGER IV grant application.
- Steve Rudy, Director of Transportation Planning and Operations for DRCOG who spoke on the topic of the TIGER IV Grant Applications. He confirmed that at the recent DRCOG board meeting it had been approved that they were willing to add STP Metro Funds into the North I-25 interim managed lanes project in the amount of \$5M to help make the submittal a better submittal.
- Jeanne Shreve, Transportation Coordinator for Adams County who spoke on the topic of the TIGER IV Grant Applications and mentioned that through debriefs with the US DOT the weaknesses of the TIGER III applications had been brought to light. She stated that the Adams County Commissioners were committed to contributing 30% (\$1.5M) towards local match requirement of \$5M and of finding ways to contribute the remaining \$3.5M to the local match amount. She mentioned that they were considering requesting a loan from the State Infrastructure Bank for the funds. Commissioner Parker asked her if the County Commissioners were soliciting other local entities for contributions and she confirmed that they were.
- Wayne Williams thanked the Commission for joining the El Paso County Community and holding the Commission Meeting in Colorado Springs.
- Sheryl Wandeman, Assistant Superintendent, Lewis Palmer School District 38 who made a plea for a traffic light to be placed at the intersection of State Highway 83 and Highway 105 so that 70 busses a week could get across the busy intersection safely to arrive at the schools that are located west of the intersection. She mentioned that it was a very dangerous intersection on a hill. Chief Engineer Tim Harris mentioned that the Region 2 Traffic Engineers were looking into the project and that the Commission would cross through it later in the day. He declared that he would point the intersection out to the Commissioners on their trip back to Denver.

## **Individual Commissioner Comments**

Commissioner Rogers mentioned that it was great to be in El Paso County and have the opportunity to receive a great amount of public comment during the meeting. He reported that it was very helpful to take a look at the local projects up close and

personal and stated that he is looking forward to more trips around the State for these purposes.

Commissioner Gilliland confirmed that the Commission had received wonderful hospitality and that the participation at the dinner on Wednesday, February 15 had been open and the session was valuable. She stated that she appreciated the ability for the Commission to be out and about where public comment could be received from citizens who can't make it to a meeting in the Denver area. She mentioned that the first of the scheduled open meetings in her District had been held in January in Loveland and that it had been very successful. She declared that the next meeting was scheduled to be held in Fort Lupton. She reported that she had been getting out to communities in her district for open communications on transportation issues and engaging leaders in the communities. She complimented the Traffic Safety team on installing rumble strips on Highway 287 in her district where she has travelled and when it snows and it is covering the highway the strips down the center of the highway are awesome to help determine where you are on the road.

Commissioner Peterson stated that he would echo the comments of his fellow Commissioners and confirmed the terrific value of traveling around the state and see conditions of Colorado's roads first hand. He thanked the Pikes Peak Region for the hospitality that the Commission had received.

Commissioner Connell stated that the visual experience of the Road Trip was helpful in the decisions that the Commission made each month. She said that she had participated in many meetings in regards to the oil and gas situation in northwest Colorado and its impacts on Colorado's roads.

Commissioner Gruen thanked Commission Assistant and all the people from Colorado Springs for the coordination of the events in Colorado Springs.

Commissioner Ortiz thanked everyone for the hospitality the Commission received stating that the dinner on Wednesday, February 15, had been enjoyable and that Colorado Springs was a wonderful city that he had worked in for a number of years.

Commissioner Parker detailed a number of meetings he had attended: Club 20 and Action 22. He confirmed that Road trips hadn't been done in a number of years and that immense knowledge is gained from sitting down on the home turf to hear what customers have to say. He mentioned that the trip to Breckenridge in October of 2011 had kicked off the series of trips and that a future trip to the North Front Range area was being planned. He thanked El Paso County for the Hospitality extended to the Commission.

El Paso County Commissioner Sally Clark spoke and mentioned how nice it had been to meet the Commission the evening before and welcomed them to El Paso County. She stated that they really appreciated the Commission for all that they do and mentioned that the STAC Representatives were appreciated, as well.

**Executive Director's Report:**

Director Hunt talked about the following items

- The General Assembly of the Colorado Legislature being in session. CDOT's meeting with the Joint Transportation Committee Oversight Hearing had recently gone very well.
- He has been working on an idea that is being done very well in El Paso County. An RTA for the Denver Metro Area where the idea would be for Denver to create a district tax of 2.5% that CDOT would have access to a ¼ cent. The idea had been supported by many for about 6 weeks but had met with a lack of support from the Metro Mayors caucus and is currently on the back burner.
- Darrell Lingk had been appointed to the Office of Transportation Safety.
- Thanks to all as he celebrated his one year anniversary at CDOT.

### **Chief Engineer Report**

Chief Engineer Tim Harris mentioned that it was good to be back in Region 2. He confirmed that a temporary employee, Craig Siracusa former CDOT Chief Engineer, to help with the unsolicited proposal on I-70 West.

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

Commissioner Trey Rogers mentioned that the Enterprise had met on Wednesday, February 15, 2012 and discussed and had then authorized Director Cheroutes to issue a RFQ to develop a managed lanes concession project for US 36. He confirmed that specifically the request was for the submission of qualifications for the financing, design and construction of Phase II of the corridors managed lanes and then to operate and maintain the existing managed lanes on Phase I, Phase II of the project and the North I-25 Managed Lanes. He stated that the issuance of the RFQ was anticipated before the end of February.

The board had also discussed the I-70 Mountain Corridor unsolicited proposal and received an update regarding the proposal and on the solicitation of competing proposals from Director Cheroutes.

Ben Stein was asked to report further by Director Cheroutes and mentioned that the packet contained a Resolution to adopt the HPTE guidelines on for Private Public Proposals and that this would be easiest way to update the Commission's guidelines which are out of date and he asked for the Commission's consideration of the Resolution.

### **FHWA Division Administrator Report**

He mentioned that he had received a letter from FHWA and that it commended the Colorado DOT on their outstanding work on monthly Traffic Volume Reports that are submitted to FHWA. He told a story of the importance of the reports and the data they contain.

## **STAC Report**

Vince Rogalski declared that the STAC had met Friday, February 10, 2012 and had heard briefings on the following topics:

- Legislative update
- TIGER IV Projects
- Statewide Long Range Plan
- Effect on Boundaries of TPRs and MPOs
- Budget and extra funds of \$12M
- Asset Management
- Rail Study Update
- Interconnectivity Study
- AGS Study
- FASTER Funding and list of projects
- Tiering Update

## **Committee Reports**

### **EFFICIENCY AND ACCOUNTABILITY COMMITTEE**

Commissioner Gilliland gave the following report on the January 19, 2012 meeting of the Committee:

- The Committee discussed the concept of allowing transit agencies to move forward with the procurement of capital equipment, such as buses, even if the contracts have not been processed. The idea is to allow the agency to lock in the price of the bus as soon as possible. The concern is that state law does not allow state funds to be committed without a signed contract. One solution is to allow the local agency to go forward as long as they understand there is no guarantee from the state until the contract is signed. The Committee is going to look into seeing if the state and the local agency can be protected by a requirement that the funds for a cancellation fee be put in escrow.
- A task force was assigned to look into this issue and coordinate with the State Controller's Office.
- We discussed a work plan for 2012. The Committee is trying to develop a process to schedule different initiatives throughout the year and make it easy to draft the annual report next December.
- We updated our Committee bylaws and elected new officers for 2012. Jeff Keller, from Asphalt Paving Co. is the new Chair
- Gary Vansuch, CDOT Process Improvement Director is Vice Chair
- Sam Nnuro from Audit is the Secretary
- Marybeth Lewis-Baker, Breckenridge Transit is the Deputy. I would like thank Ms. Lewis-Baker for being the Chair of the Committee for the last two years. She did a great job in getting this Committee going from its inception.

### **SAFETY COMMITTEE**

Commissioner Connell delivered the following report regarding the February 15, 2012 Safety Committee:

- The Safety Committee met on Wednesday, February 15, 2012.
- Public Relations Representative Heather Halpape provided an update on current Highway Safety PR Activities.
  - The next Heat is On DUI Enforcement Period is scheduled for March 16-19 for St. Patrick's Day. Recent enforcement periods from Thanksgiving Week, December Holiday Parties, New Year's and the Super Bowl resulted in 1,960 arrests across all participating agencies.
  - There were no fatalities over Super Bowl weekend February 3-6. Posters were distributed to bars and restaurants and radio ads ran in preparation of the event, urging responsibility when drinking.
  - CDOT staffed a booth during the Colorado Motorcycle Show & Swap January 28<sup>th</sup> and 29<sup>th</sup> at the National Western Complex, handing out Motorcycle Skill Rating Maps and promoting training with a SmartTrainer motorcycle simulator.
- Risk Manager Tracie Smith discussed FY 12- 2nd quarter trends and provided and update on the Statewide Safety Report.
  - Lost time injuries decreased 26% from Quarter 1 to Quarter 2. Total worker's comp claims increased 4% over the prior year, but accidents were less severe.
  - Total property damage claims in the 2<sup>nd</sup> Quarter increased 41% compared to the same period a year ago.
    - 4 property damage claims involved vehicle backing in the 2<sup>nd</sup> quarter compared with 1 for the same period last year.
  - Highlights from the 2012 Statewide Safety Plan include:
    - The Safety Advisory Group is looking at ways to reinvent the award and safety campaigns to create enthusiasm among the employee base. A new class based on work with State Risk Management will train first level supervisors on accident investigation and report writing.
    - Updates were given on each Region and their progress in addressing the individual Statewide Safety Plan activities; these results are also discussed within the Safety Advisory Group.
- Ty Ortiz, Rock Fall Program Manager, provided an update on rock fall projects:
  - Current 2012 projects include I-70 Georgetown Hill in Region 1 where construction began this winter; SH133 McClure Pass in Region 3 which is in the design phase; and US470 Mt. Harris Canyon in Region 3 where construction is anticipated to begin in spring.
  - Rock fall program staff provided assistance at 22 sites during the first half of FY 12.

**Act on Consent Agenda**

Chairman Parker stated that an adjusted would be made to the Consent Agenda and the there would be a discussion of the TIGER IV Discretionary Grant requests. So the item under letter g was removed from the Consent Agenda. Commissioner Gruen stated that he wanted to make a motion for approval of the Consent Agenda and Commissioner Connell seconded the motion. On a vote of the Commission, the Consent Agenda was unanimously approved.

**Approve the Special & Regular Meeting Minutes of January 19, 2012**

**Resolution #TC-2055**

**Approval of the January 19, 2012 Minutes**

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of January 19, 2012 are hereby approved as published in the official agenda of the February 15 &16, 2012 meeting Agenda.

**Resolution to Approve the STIP Policy Amendment #8 for the FY12-FY17 STIP**

**Resolution #TC-2056**

**Resolution to Approve STIP Policy Amendment Package for Amendment #8**

**Approved by the Transportation Commission on: February 16, 2012**

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 2012 – 2017 Statewide Transportation Improvement Program (STIP) in May, 2011; 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 Amendment #8 was provided from January 13 through February 15, 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 #8 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 to Approve an Addition to the approved over \$50,000 project list for Region 4, Highway 34, Greeley**

**Resolution #TC-2057**

Region 4 – Greeley, Highway 34 Addendum to the over \$50K project list

**Approved by the Transportation Commission on: February 16, 2012**

**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 a cost estimate for this project to be done in Fiscal Year 2012 as detailed in the memorandum entitled, January addendum to Fiscal Year 2012 Projects by Maintenance Forces Requiring Transportation Commission Approval dated January 6, 2012; and

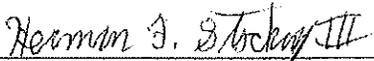
**WHEREAS**, the funding for this project is contained in the Fiscal Year 2012 Budget.

**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 project therein.

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Region 4 – Greeley	Highway	Str. #	Begin MP	End MP	Type	Estimated Cost
	34	D-28-C	258.862	N/A	Str. Repair	\$60,000.00
			State Total			\$60,000.00

This project consists of milling off the existing bridge deck and 150 feet on each approach, removing the existing wooden bridge deck, replacing and or repairing failing girders, installing new 4" steel decking, and re-paving. Sufficient funds exist within the appropriate MPAs to pursue this additional project. The project is in accordance with the directive and all other requirements.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution to Approve Statewide and Local lists of projects recommended for  
FY 2013 FASTER Transit Funding**

**Resolution # TC - 2058**

Award of FY 2013 FASTER Transit Funds

**Approved by the Transportation Commission on: February 16, 2012**

WHEREAS, pursuant to 43-4-811 (2) the Department will receive, from the State share of the FASTER program, ten million dollars for state fiscal year 2013 for each succeeding state fiscal year, to be used by the Department "for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users;" and

WHEREAS, this funding from the State share is herein referred to as the FASTER Transit Statewide funds; and

WHEREAS, pursuant to 43-4-811 (c)(2) the Department will receive, from the Local share of the FASTER program, five million dollars for state fiscal year 2013 and for each succeeding state fiscal year, to be used by the Department "to provide grants to local governments for local transit projects;" and

WHEREAS, this funding from the Local share is herein referred to as the FASTER Transit Local funds; and

WHEREAS, the Transportation Commission agrees to use a portion of the FASTER Transit Statewide funds for administrative expenses associated with the Division of Transit and Rail in the amount of \$1 million for FY 2013; and

WHEREAS, the Transportation Commission, in Resolution No. 1906, dated September 16, 2010, established written guidelines to be followed in offering, distributing and awarding the FASTER Transit Statewide and Local funds to Local Agencies and how projects would be implemented; and

WHEREAS, those guidelines were revised to make them more consistent with guidelines established for Federal capital improvement grant programs in order to establish a more uniform capital improvement program; and

WHEREAS, Division of Transit and Rail staff distributed these guidelines and issued a call for projects throughout the state; and

WHEREAS, the Division of Transit and Rail received applications for FASTER funding and discussed with the CDOT Engineering Regions which applications were best suited for consideration for the FASTER Transit Statewide funds and

which were best suited for consideration for the FASTER Transit Local funds;  
and

WHEREAS, the Division of Transit and Rail did not allocate the FASTER Transit Statewide funds geographically but gave consideration to Regional equity when recommending projects for funding; and

WHEREAS, Division of Transit and Rail staff, along with staff from the Division of Transportation Development and the Office of Policy and Government Relations, evaluated and scored the applications considered best suited for consideration for the FASTER Transit Statewide funds using five evaluation criteria, those being criticality, financial capacity, financial need, project impacts, and readiness, and developed a list of projects recommended for funding, attached hereto as Table A; and

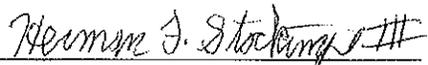
WHEREAS, the CDOT Engineering Regions evaluated and scored the applications considered best suited for FASTER Transit Local funds using the same five evaluation criteria, as well as consideration to geographical equity and Transportation Planning Region input, and developed a list of projects recommended for funding, attached hereto as Table B; and

WHEREAS, the CDOT Engineering Regions had at their disposal \$44,608 in FASTER Transit Local funds from withdrawn projects from prior fiscal years and wish to award those funds to new projects;

NOW THEREFORE BE IT RESOLVED, the Commission directs staff to award \$9.0 million in FASTER State Transit funds for Fiscal Year 2013 using "Table A: Projects Recommended for FY13 FASTER Transit State Pool Funding," dated February 3, 2012, and \$5,044,608 for Fiscal Year 2013 using "Table B, Projects Recommended for FY13 FASTER Transit Local Pool Funding," dated February 3, 2012, contingent upon the projects' inclusion in the appropriate MPO Transportation Improvement Program and the Statewide Transportation Improvement Program (STIP), using the implementation procedures set forth below:

- A. In general, projects must demonstrate progress towards implementation. Funding may be withdrawn by the Commission from projects failing to begin project implementation or failing to at least demonstrate considerable and sustained progress towards implementation. Specifically, projects awarded funds will be expected to begin developing a scope of work in cooperation with CDOT in the spring of 2012 and begin procurement (for equipment projects) or final design (for construction-related projects) no later than November of 2012. Exceptions must be approved by CDOT and set forth in the scope of work.
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- B. If FASTER funds were proposed to be used to match a Federal grant and the Federal grant is not yet awarded, CDOT's expectation is that the Federal grant award is committed no later than November of 2012; otherwise, CDOT may withdraw the awarded FASTER funds;
- C. The Division of Transit and Rail and the CDOT Engineering Regions will negotiate scopes of work for the projects and will establish timelines and expectations related to the project.
- D. All Local Agency projects must have a 20 percent local match. Local match must be in cash or property linked directly to the project. Local match for equipment must be in cash. Local construction oversight may be accepted as in-kind local match. Federal funds may not be used as local match, but the FASTER funds may be used to match a Federal grant.
- E. No State funds may be used to pay for Local Agency staff unless otherwise provided for by CDOT.
- F. Division of Transit and Rail staff shall work in collaboration with the CDOT Engineering Regions to implement the projects, based on the type of project. Equipment-related projects, studies and projects that are part of a larger Federal Transit Administration grant will normally be administered by the Division of Transit and Rail and construction-related projects will be administered and overseen by the CDOT Engineering Regions as pass-through Local Agency projects.
- G. CDOT funding commitments will be held to the dollar amount awarded herein, not to the final project cost. Recipients will be responsible for any increased costs to finalize and accomplish the project as proposed in its application.
- H. Any reductions or revisions in original scope, or change in project sponsorship, must be approved by CDOT.
- I. If a local agency does not plan to use Federal funds for the project, this shall be explicitly stated in the negotiated scope of work. In such cases, Federal funds may not later be used for the project, given that it would be too late to comply with Federal regulations.



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution to Approve the beginning of development of a new Statewide Long-Range Plan**

**Resolution #TC-2059**

**Initiating the Development of a new Statewide Transportation Long-Range Plan**

**Approved by the Transportation Commission on: February 15, 2012**

WHEREAS, in accordance with CRS 43-1-1101, the Colorado General Assembly recognizes the Department of Transportation is the proper body to perform statewide transportation planning with the cooperation of regional planning commissions and local government officials; and

WHEREAS, CDOT will prepare a statewide multimodal transportation plan with a minimum 20-year forecast period at the time of adoption in accordance with federal law and regulations found in 23 USC 135 and 23 CFR 450 Subpart B, respectively; and

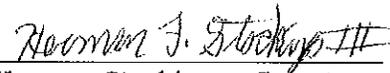
WHEREAS, the next Statewide Transportation Plan will adhere to Transportation Commission policies, will be based on US Census Bureau data for 2010, will be fiscally constrained, will address state and federal planning factors, and;

WHEREAS, in accordance with Section VII (A) of 2 CCR 604-2 (The Statewide Transportation Planning Rules), the update cycle for the regional and statewide transportation plans shall comply with federal law and be developed so that the respective update cycles coincide; and

WHEREAS, in accordance with Section VII (B) of 2 CCR 604-2, the Department will notify Transportation Planning Organizations of the initiation of the update cycle and schedule for completion; and

WHEREAS, in accordance with CRS 43-1-1103 (5) the Department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan; and

NOW THEREFORE, BE IT RESOLVED that the Transportation Commission hereby directs the Department to begin the update cycle for development of a new Statewide Transportation Plan in compliance with all applicable federal and state laws and regulations.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Resolution to Approve the Declaration of Excess Property for Parcel EX-2,  
Project #FAP 149-D on State Highway 36 at Kiowa-Bennett Road**

**Resolution #TC-2060**

**Parcel EX-2 of Project FAP 149-D on State Highway 36 be declared excess**

**Approved by the Transportation Commission on: February 16, 2012**

**PROJECT #: FAP 149-D**

**LOCATION: SH36 @ Kiowa-Bennett Road**

**PARCEL #: EX-2**

**COUNTY: Adams**

WHEREAS, Parcel EX-2 is a 1.148 acre (50,000 square feet) parcel in the NW ¼ of Section 35, Township 3 South, Range 63 West of the Sixth Principal Meridian, Adams County, Colorado;

WHEREAS, Parcel EX-2 was acquired in the 1930's by Adams County for use as a borrow pit during the construction of SH 36;

WHEREAS, on August 17, 2011 Adams County transferred title of this section of SH 36, including Parcel EX-2 to CDOT via a quitclaim deed;

WHEREAS, the developer who owns the property adjacent to Parcel EX-2 has expressed an interest in acquiring this parcel;

WHEREAS Parcel EX-2 will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210 (5);

WHEREAS, the sale of Parcel EX-2 will not affect the design, construction or utility of US36;

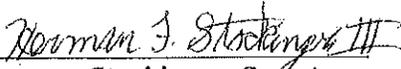
WHEREAS, the Department of Transportation, Region 1, recommends that the property described as EX-2 of Project FAP 149-D be declared excess property and is not needed in the foreseeable future;

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel EX-2 is not needed for transportation purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel EX-2 is not needed for transportation purposes in the foreseeable future;

NOW THEREFORE BE IT RESOLVED, that Parcel EX-2 of Project FAP 149-D containing 1.148 acres more or less be declared excess and the Department of Transportation be given authority to dispose of Parcel EX-2 as shown in Exhibit A and contained in the official agenda.

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

Budget Director, Laurie Freedle reported that the supplement was included in the packet and stated that if there were any questions she could answer them and that she would ask for approval of the 9<sup>th</sup> Budget Supplement.

Commissioner Rogers made a motion for approval of the Budget Supplement. Commissioner Peterson seconded the motion. On a vote of the Commission, the Budget Supplement was unanimously approved.

**Resolution #TC-2061**  
**Approval of the 9th Budget Supplement**

BE IT RESOLVED THAT, the 9<sup>th</sup> Supplement to the Fiscal Year 2011-2012 Budget be approved.

**Discuss and Act on the Resolution to Adopt the Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes along Colorado State Highways: 2CCR 601-17**

Debra Perkins Smith mentioned that the Resolution was contained in the Agenda Packet and she confirmed that Administrative Hearing Officer, Christine Reece had presided over the hearing and found that all requirements had been met. Debra gave further details of the hearing findings and stated that the Department recommends approval of the Resolution.

Commissioner Connell requested of Chairman Parker that she would move for approval of the Resolution. Commissioner Gilliland seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution # TC-2062**

**Adoption of Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to §43-2-401 *et seq.* C.R.S. (2011).**

**Approved by the Transportation Commission on: February 16, 2012**

**WHEREAS**, section § 43-2-404 C.R.S. (2011) authorizes the Transportation Commission of Colorado ("Commission") to promulgate rules regarding § 43-2-401 *et seq.* (2011) pertaining to the use of waste tires for noise mitigation purposes along state highways; and

**WHEREAS**, the current Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to §43-2-401 *et seq.* C.R.S (the "Noise Mitigation Rules") were effective August 1, 2008; and

**WHEREAS**, on November 11, 2011, the Commission delegated authority to an Administrative Hearing Officer for the purposes of conducting a rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Noise Mitigation Rules; and

**WHEREAS**, the a hearing was held on January 5, 2012, with Administrative Hearing Officer Christine Rees presiding; and

**WHEREAS**, amendment of the Use of Waste Tire Noise Mitigation Rules further effectuates Governor Hickenlooper's Executive Order D 2011-005, which seeks to eliminate any unnecessary legal requirements on local governments by eliminating language and streamlining the rules; and

**WHEREAS**, the Department supports the proposed amendments in order to conform the rules to current federal requirements of 23 CFR 772; and

**NOW THEREFORE BE IT RESOLVED**, after review and consideration of the rule making record and the findings of the Administrative Hearing Officer, the Commission herein adopts the proposed amendments to the Rules Regarding the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways Pursuant to § 43-2-401 *et seq.* C.R.S. (2011).



Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the Resolution to Adopt the Rules Concerning Travel Restrictions on State Highways, 2 CCR 601-14**

Hearing officer, Micki Perez stated that an Administrative Hearing had been held and that she had presided over the hearing she had provided a summary of the hearing in the Agenda Packets. She reported on key points in the summary and requested the approval of the following Resolution.

Commissioner Gruen made a motion to approve the Resolution. Commissioner Connell seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution # TC-2063**

**Adoption of Rules Regarding Travel Restrictions on State Highways,  
2 CCR 601-14 ("Chain Law Rules")**

**Approved by the Transportation Commission on: February 16, 2012**

**WHEREAS**, § 43-1-106 (8)(k) C.R.S. (2011) directs the Transportation Commission of Colorado ("Commission") to make all necessary and reasonable orders, rules, and regulations in order to carry out the provisions of § 43-1-101 *et seq.* C.R.S. (2011); and

**WHEREAS**, § 42-4-106(5)(VII)(b) C.R.S. (2011) authorizes the Commission to promulgate rules concerning chain laws and other restrictions on highways;

**WHEREAS**, § 42-4-106 (5) C.R.S. authorizes the Department of Transportation to prohibit the use of highways under dangerous driving conditions to vehicles unless they are equipped with tire chains, four-wheel drive with adequate tires in order to protect the safety of the public; and

**WHEREAS**, the proposed amendments to the rules update existing rules effective October 30, 1996 by including in the definition of "Alternative Traction Device" a Textile Traction Device approved by the Chief Engineer that may be used in place of chains when the chain laws are in effect and when used in conformance with the manufacturer's instructions; and

**WHEREAS**, other amendments to the rules will provide notice of the enhanced penalties under § 42-4-106(5)(a)(II), (III) and (IV) enacted after 1996 for non-compliance with the chain laws; and

**WHEREAS**, on November 17, 2011, by Resolution No. TC2042, the Commission adopted emergency rules which became effective immediately in order to include the Textile Traction Device as a device that could be used in place of chains during inclement weather when the chain laws are in effect; and

**WHEREAS**, on November 17, 2011, within the same Resolution, the Commission delegated authority to an Administrative Hearing Officer to hold a public rule making hearing on the emergency rules following adoption in compliance with the State Administrative Procedure Act, § 24-4-101 *et seq.*, C.R.S (2011); and

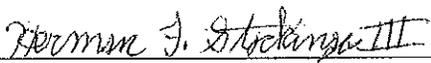
**WHEREAS**, on November 17, 2011, by Resolution No. TC2041, the Commission delegated authority to an Administrative Hearing Officer to hold a public rule making hearing on the permanent rules and develop a complete procedural record of the hearing; and

**WHEREAS**, the public rule making hearing was held on January 11, 2012 with Administrative Hearing Officer Micki V. Perez presiding; and

**WHEREAS**, the amendments to the Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14 further effectuate Governor Hickenlooper's Executive Order D 2011-005, which seeks to eliminate any unnecessary legal requirements on local governments by eliminating language and streamlining the rules; and

**WHEREAS**, the Department supports the proposed amendments in order to include the definition of Textile Traction Device in the rules and to include the enhanced penalties for non-compliance as set forth in state statute; and

**NOW THEREFORE BE IT RESOLVED**, after review and consideration of the rule making record and the findings of the Administrative Hearing Officer, the Commission herein adopts the proposed amendments to the Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on the Resolution to Authorize the use of the HPTE Guidelines for Public Private Proposals or Co-Development Proposals**

Ben Stein mentioned that the proposed Resolution was in the Agenda Packets and that it would facilitate seeking comparable proposals for the unsolicited proposal that has come in for the I-70 Mountain Corridor and requested approval of the item.

Commissioner Rogers made a motion to approve the Resolution. Commissioner Ortiz seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution Number TC-2064**  
**Authorizing Use of HPTE Project Proposal Guidelines for Public  
Private Partnership or Co-Development Proposals**

**Approved by the Transportation Commission on: February 16, 2012**

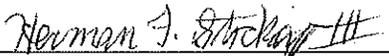
WHEREAS, the Colorado High Performance Transportation Enterprise (HPTE) Board adopted Project Proposal Guidelines (HPTE Guidelines) in connection with its pursuit of public-private partnerships and other innovative means of completing surface transportation projects on June 15, 2011; and

WHEREAS, the Transportation Commission adopted Public-Private Initiative Guidelines in 1998; and

WHEREAS, the 1998 CDOT Guidelines are somewhat dated and provide less flexibility for evaluating public-private proposals than the more recently adopted HPTE Guidelines; and

WHEREAS, CDOT staff desires to utilize the HPTE Guidelines for purposes of soliciting and evaluating competing Public Private Partnership or Co-Development proposals, and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the use of HPTE Guidelines for purposes of soliciting and evaluating competing Public Private Partnerships or Co-Development proposals and further finds that such HPTE Guidelines provide the necessary guidance in lieu of formal rules.

  
**Herman Stockinger, Secretary**  
**Transportation Commission of Colorado**

In a changed to the Agenda, the Acknowledgements section was covered before the discussion of the TIGER IV Grant proposed Resolution.

### **ACKNOWLEDGEMENTS**

Tom Wrona mentioned that he wanted to defer to Director Hunt for the honor of presenting the Award. Director Hunt spoke about the tradition of CDOT's Achievement Award Program. He said that the award was being given in the category of service. He explained that Maintenance Section 4, Region 2 was involved in the Colorado Employment First Program in the Colorado Springs area. Mr. Hunt introduced Gary Heller, Senior Supervisor, LTC OPS I for the Colorado Springs area to present the Achievement Award to Region 2 Employee, Nicki LaDuke. Gary stated that he wanted to read the citation from the award. He said that the award winner had stepped forward and volunteered for the program and that above and beyond her regular duties of Administrative Support for the 64 Employees in the area she had administrated the program very well. He stated that her willingness to take part in the program exemplifies the CDOT Values of Customer Service and Excellence and mentioned that he was pleased to present the award to Nicki LaDuke. Nicki thanked her supervisor, Gary for nominating her and thanked the Commissioners for the Award.

### **Discuss and Act on the Resolution instructing the Department to Submit applications for 3 projects under the USDOT TIGER IV Discretionary Grant Program**

Commissioner Parker declared that the TIGER IV Discretionary Grants would be discussed. Director Hunt stated that a document with the description of 4 projects had been handed out and that he would cover the points of the document. He read through the document with information on the following projects: North I-25 Interim Managed Lanes; I-25 Fillmore Interchange in Colorado Springs; I-25 Dillon-Eden Interchange in Pueblo; and the Grand Junction I-70 and Exit 26 diverging diamond intersection. Mr. Hunt spoke on the scenarios regarding the projects and mentioned that there had been many speakers in the public comment section that were in favor of the various projects. He stated that the only project that was listed on the Resolution was the North I-25 Managed Lane project as a starting point. He mentioned that the Resolution should be worded with the priorities the Commission wanted to pursue and make it clear what the intent would be if funding fell through for the North I-25 Interim Managed Lanes project.

Commissioner Parker confirmed that exhaustive discussions had been held by the members of the Commission on the topic. Commissioner Gruen stated that he would make a motion for approval of the Resolution prioritizing 3 projects in the following order: North I-25 Interim Managed Lanes Project, the I-25 Fillmore Interchange, and the Dillon-Eden Interchange. Further the Resolution would contain wording to suggest that if any of the three projects fell out of consideration for any reason that the I-70 and Exit 26 diverging diamond intersection move up to the third priority for consideration. Commissioner Connell seconded the motion. Commissioner Rogers commented that he would vote for the motion but that he wanted to go on record that

the advice given by Secretary of Transportation LaHood had given had been contradictory depending on the city he was speaking in and that he feared that including three projects could be a mistake. Chairman Parker stated that there wasn't a bad project on the list and that the matter had been fully vetted and that the Resolution had been moved and seconded. Acting Commission Secretary Stacey Stegman reiterated for the record the priority list for the Resolution and it was confirmed. The following Resolution was unanimously approved.

**Resolution Number TC-2065**

**Instructing the Department to submit applications for 3 projects under the USDOT TIGER IV Discretionary Grant program**

**Approved by the Transportation Commission on: February 16, 2012**

WHEREAS, on January 31, 2012 the U.S. Department of Transportation (US DOT) published notices in the Federal Register for funding availability for the Transportation Investment Generating Economic Recovery Discretionary Grant Program (also known as TIGER IV) under the Fiscal Year 2012 Consolidating and Further Continuing Appropriations Act of 2012; and

WHEREAS, the TIGER IV Discretionary Grants must be submitted to the U.S. Secretary of Transportation by March 19, 2012; and

WHEREAS, the USDOT's consideration of TIGER IV Discretionary Grant applications will be based on Job Creation & Near-Term Economic Activity and Long-Term Outcomes as primary selection criteria; and

WHEREAS, the Colorado Department of Transportation, working with its planning partners across the state, prepared a list of potential projects for CDOT to submit under the TIGER IV Discretionary Grants program; and

WHEREAS, the US DOT has limited the number of grant applications that CDOT could submit for consideration to up to 3; and

WHEREAS, the Transportation Commission confirms its support for the following three projects selected by CDOT in the order of priority shown with its top priority the I-25 North Interim Managed Lanes Project;

NOW THEREFORE BE IT RESOLVED, the Department is instructed to submit applications for the following 3 projects under the USDOT TIGER IV Discretionary Grant program listed in the following order of priority:

1. I-25 North Interim Managed Lanes (US 36 to 120<sup>th</sup> Avenue—Adams County)
    - o Project Cost: \$44 million
    - o TIGER IV Requested Amount: \$15 million
  2. I-25 and Fillmore Interchange (Colorado Springs)
    - o Project Cost: \$25 million
    - o TIGER IV Requested Amount: \$10 million
  3. I-25 and Dillon-Eden Interchange (Pueblo)
    - o Project Cost: \$22.6 million
    - o TIGER IV Requested Amount: \$11.3 million
-

NOW THEREFORE BE IT FURTHER RESOLVED, should any of the above listed projects not be able to meet the financial, technical or other requirements for a competitive TIGER IV application, said project will not be submitted by CDOT and the remaining listed projects will move up in priority; and

FURTHER, should an above listed project not be submitted by CDOT, the Department is instructed to submit an application for the following project as its third priority for TIGER IV funding:

- I-70 and Exit 26 Diverging Diamond Interchange (Grand Junction)
  - o Project Cost: \$3.6 million
  - o TIGER IV Requested Amount: \$1.9 million

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Other Matters**

Chairman Parker thanked Rob McDonald and the PPACG Staff for the use of their facility and for their hospitality.

Chairman Parker confirmed with the gathering that there were no other matters to come before the Commission.

**Adjournment**

Chairman Parker announced that the meeting was adjourned at 10:50 a.m.



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Herman Stockinger, Secretary  
Transportation Commission of Colorado