

Resolution #BE-72

Regular Meeting Minutes for April 21, 2011

BE IT RESOLVED THAT, the Minutes for the April 21, 2011 meeting of the Bridge Enterprise Board of Directors are hereby approved by the Bridge Enterprise Board.

*Bridge Enterprise Board  
Regular Meeting Agenda  
Thursday, April 21, 2011  
4201 East Arkansas Avenue  
Denver, Colorado 80222*

PRESENT WERE: *Leslie Gruen, Chairman, District 9  
Steve Parker, Vice Chairman, District 8  
Jeanne Erickson, District 2  
Gary M. Reiff, District 3  
Heather Barry, District 4  
Bill Kaufman, District 5  
Douglas E. Aden, District 7  
Gilbert Ortiz, Sr., District 10*

EXCUSED: *Trey Rogers, District 1  
Kim Killin, District 11*

ALSO PRESENT: *Don Hunt, Executive Director  
Peggy Catlin, Deputy Executive Director  
Pam Hutton, Chief Engineer  
Heidi Bimmerle, Director, Division of Human  
Resources and Administration  
Casey Tighe, Audit Director  
Scott McDaniel, Staff Services Director  
Laurie Freedle, Representing the CFO  
Stacey Stegman, Public Relations Director  
Tony DeVito, Region 1 Transportation Director  
Tim Harris, Region 2 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director*

*Richard Reynolds, Region 5 Transportation Director  
Reza Akhavan, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory  
Committee (STAC) Chairman*

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

Chairman Les Gruen convened the meeting at 10:55 a.m. on April 21, 2011 in the auditorium of the headquarters building of the Colorado Department of Transportation in Denver, Colorado.

### **Audience Participation**

The Chairman noted that no members of the Audience had signed up to address the Board of Directors.

### **Act on Consent Agenda**

Chairman Gruen announced that the Board would act on the Consent Agenda and Director Reiff motioned for approval of the Consent Agenda. Director Ortiz seconded the motion and on a vote of the Bridge Enterprise Board of Directors, the Consent Agenda was unanimously approved.

### **BE Working Committee Report for April 20, 2011 Submitted in writing:**

CBE Board of Directors/Executive Director: Chairman L. Gruen, Executive Director D. Hunt, S. Parker, G. Reiff, J. Erickson, D. Aden, G. Ortiz, T. Rogers, H. Barry, and J. Erickson.

CDOT Staff: P. Hutton, T. Harris, S. McDaniel, R. Akhavan, T. DeVito, P. Catlin, L. Freedle, M. Krasny, R. Reynolds, H. Bimmerle, H. Morrow, T. Kelly, J. Finch, J. Zufall, H. Stockinger, and D. Gallegos

BE Program Manager: K. Szeliga, J. Laipply, M. Klopfenstein, and A. Gurulé

The meeting was led by Chairman Les Gruen and the following items were discussed.

1. Chairman Gruen called the meeting to order.
2. Chairman Gruen requested comments on the March 16<sup>th</sup> 2011 Workshop Meeting Notes.
  - No comments were noted.
3. R. Akhavan presented the I-70 Viaduct Monthly Report.
  - The PACT met last Thursday (April 14, 2011) and among the topics discussed was the message they want to present to the public. The PACT has decided to present the decision to lean towards remaining with the current alignment. Also, that the north and south shifts involved with this alignment will have impacts.
  - R. Akhavan presented a handout which included the message points, the upcoming scheduled meetings, background on the project and the current long range plan.
4. L. Freedle presented the FY 2012 Budget.
  - The budget was initially presented at the March BOD workshop for review and there was one change. The scoping pools for the regions have been increased due to the expected increase in use of these pools.
  - It was noted that if the scoping pool usage goes as expected, there may be a need to ask for more money for these pools later in the year.
5. L. Freedle presented the Resolution for the Transfer of Bridge Assets from CDOT.
  - There are 8 bridges presented for transfer.
  - G. Reiff asked if these bridges were identified as meeting the priority for reconstruction. P. Hutton noted that these bridges were part of the bond plan approved in March 2011. K. Szeliga further clarified that bridges being transferred are from the newly poor lists of 2010 and 2011, and were identified as companion bridges or bridges with low sufficiency rating.
  - T. Rogers asked if there is a TABOR impact with the companion bridges being transferred. K. Szeliga responded that he and M. Krasny verified no TABOR impacts prior to transfer.
6. L. Freedle presented the Proposed 10<sup>th</sup> Budget Supplement.
  - She noted that there is a TABOR impact of \$325,000 on F-16-FW which is to be transferred this month.
7. H. Bimmerle had D. Gallegos present the proposed DBE Aspirational Goals.
  - D. Gallegos presented that the proposed aspirational goals for DBE and ESB is 15%.

*End of Meeting Notes*

**Discuss and Act on the Regular Meeting Minutes for March 17, 2011**

**Resolution #BE-67**

**Regular Meeting Minutes for March 17, 2011**

BE IT RESOLVED THAT, the Minutes for the March 17, 2011 meeting of the Bridge Enterprise Board of Directors are hereby approved by the Bridge Enterprise Board.

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

Assets from CDOT to Bridge Enterprise  
Region 2: L-22-K SH 266 ML over Ft. Lyon Canal  
Region 2: O-25-H US 160 ML over N FK Sand Arroyo  
Region 2: O-19-J US 350 ML over Draw  
Region 2: P-19-AD SH 239 ML over Irrigation Canal  
Region 4: B-17-L SH 14 ML over Coalbank Creek  
Region 4: D-28-B US 34 over N Fork Republican River  
Region 6: E-17-GL I-76 WB over S Platte River  
Region 6: F-17-BS US 40 WBND over Sand Creek

Laurie Freedle reported that there was a slight correction to the Resolution in the Agenda and that the last structure listed in Region 6 should read: F-17-BS US 40 WBND over Sand Creek.

Director Aden made a motion to approve the Resolution with the changes mentioned and the motion was seconded by Director Parker. On a vote of the Bridge Enterprise Board of Directors, the Resolution was unanimously approved.

**Resolution #BE - 68**

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

**Approved by the Bridge Enterprise Board of Directors on: April 21, 2011**

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

**Region 2 Structures**

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

**Region 4 Structures**

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

**Region 6 Structures**

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


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

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

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

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

NOW THEREFORE BE IT RESOLVED, the Bridge Enterprise Board authorizes the staff to accept the transfer of these structures listed above to the Bridge Enterprise at no cost.

  
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Herman Stockinger  
Secretary, Bridge Enterprise Board of Directors

### **Discuss and Act on 10<sup>th</sup> Budget Supplement**

Laurie Freedle declared that she was asking for Approval of the Budget Supplement as shown in the official agenda and that the only item of note was the Region 6 request for \$325,000 in local agency funds and that this request would have a Tabor Impact on the Bridge Enterprise that would be felt in FY 2012.

Chairman Gruen asked for a motion for approval of the 10<sup>th</sup> Budget Supplement. Director Ortiz made a motion for the approval of the Supplement and the motion was seconded by Director Kaufman. On a vote of the Bridge Enterprise Board of Directors, the Budget Supplement was unanimously approved.

### **Resolution #BE-69**

#### **Tenth Supplement to the Fiscal Year 2010-2011 Budget**

Approved by the Bridge Enterprise Board of Directors: April 21, 2011

BE IT RESOLVED, that the Tenth Supplement to the Fiscal Year 2010-2011 Budget is approved by the Bridge Enterprise Board.

### **Discuss and Act on Resolution to Approve FY 2012 Budget**

Laurie Freedle declared that the Resolution for the proposed budget was included in the Agenda and that she would ask that the Resolution be approved as presented in March and April 2011.

Chairman Gruen asked for a motion for on the Resolution for the approval of the FY 2012 Budget. Director Reiff made a motion for the approval of the Resolution and the motion was seconded by Director Ortiz. On a vote of the Bridge Enterprise Board of Directors, the Resolution was unanimously approved.

### **Resolution #BE - 70**

BE IT RESOLVED, that the Fiscal Year 2011-2012 Budget is approved by the Bridge Enterprise Board.

### **Discuss and Act on Resolution for the BE Aspirational Goal**

Heidi Bimmerle declared that she was asking for approval of the Resolution

included in the Agenda. She stated that the Resolution would establish a 15% Aspirational Goal for the Bridge Enterprise Projects to encourage broader use of small business, ESBs and DBE as possible.

Chairman Gruen asked for a motion for on the Resolution. Director Kaufman made a motion for the approval of the Resolution and the motion was seconded by Director Parker. On a vote of the Bridge Enterprise Board of Directors, the Resolution was unanimously approved.

**Resolution #BE-71**

**Aspirational DBE/ESB Bridge Enterprise Program Goal**

**Approved by the Bridge Enterprise Board of Directors on: April 21, 2011**

WHEREAS, the General Assembly created the Bridge Enterprise as a government-owned business within CDOT, pursuant to 43-4-805 C. R. S.; and,


WHEREAS, pursuant to 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenues in grants, as defined in C.R.S. 24-77-102(7), from all State and local governments combined; and,

WHEREAS, the business purpose of the Bridge Enterprise is to finance, repair, reconstruct, and replace designated bridges in the state; and,

WHEREAS, the Center for Equal Opportunity Director interviewed Bridge Enterprise Board of Directors; CDOT Chief Engineer, CDOT Division of Human Resources and Administration Director, and several small business industry associations to help CDOT identify an appropriate combined aspirational goal for Disadvantaged Business Enterprise (DBE) and Emerging Small Business (ESB) participation for the program; and,

WHEREAS, a 15% aspirational DBE/ESB goal will help to ensure small business participation is effectively encouraged as part of the long-term success and sustainability of the program; along with the other program goals previously established, the 15% aspirational DBE/ESB goal shall be periodically evaluated on how effectively it has helped generate the desired level of small business participation; the 15% aspirational goal shall be periodically reassessed to confirm it remains in alignment with the program plan, and if not, be subsequently revised or amended accordingly; and,

NOW THEREFORE BE IT RESOLVED, the Bridge Enterprise Board hereby adopts a 15% aspirational DBE/ESB program goal for the use and benefit of the Colorado Bridge Enterprise.

  
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Herman Stockinger  
Secretary, Bridge Enterprise Board of Directors



Pam Hutton stated that as quickly as possible, she would go through the progress report and she delivered the following presentation:

## **APRIL 2011**

### **Progress Update**

#### **Major Achievements (March Workshop – April Workshop)**

- \$300M bond program Prioritization Plan**
  - Re-evaluating current program scope and delivery**
    - Repair vs. Replacement**
    - Proposed Contract Delivery**
  - Reviewed CDOT 2010 and 2011 list of “poor” bridges**
  - Update Program Delivery Plan (in progress)**
    - Issue revised cost matrix and schedule update**
    - Revise bond dollar allocation plan**
    - Revise Bond financial cost curves / quarterly draw-down schedule**
- Large Project Planning with Regional Staff**
  - US 36, US 6, Ilex (Pueblo), US 82 Grand Ave (Glwd Sprgs)**
  - Project scope definition**
  - Funding eligibility**
- Other**
  - ROCIP – continue to explore usage with IMA**
  - Website development – interactive state map with FASTER eligible bridges**
  - New CBE Processes & Procedures**
    - Supporting Regions on usage and implementation**
    - Facilitating application with Region Staff via ICAC**
- Six bridges went to AD**
  - J-09-C: R3 US 50 Service Road over Gunnison River**
  - J-09-D: R3 US 50 Service Road over Gunnison River**
  - E-17-GE: R6 I-70 ML WBND over Sand Creek**
  - E-17-BY: R6 I-70 ML EBND over Sand Creek**
  - E-17-GM: R6 I-76 EBND over South Platte River**
  - E-17-GL: R6 I-76 WBND over South Platte River**

#### **Status of Most Deficient Bridges**

#### **Current Bridge Status FASTER Eligible**

## **Current Bridge Status \$300M Bond**

### **Adjournment**

Chairman Gruen announced the adjournment of the meeting at 11:05 a.m.

Herman Stockinger, Secretary  
Colorado Bridge Enterprise Board of Directors

**Resolution #BE-65**  
**Right of Way Policy**

**Approved by the Bridge Enterprise Board of Directors on: March 17, 2011**

WHEREAS, The General Assembly created the Bridge Enterprise as a government-owned business within CDOT, pursuant to 43-4-805 C. R. S.; and

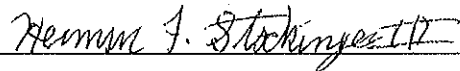
WHEREAS, pursuant to 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenues in grants, as defined in C.R.S. 24-77-102(7), from all State and local governments combined; and

WHEREAS, The business purpose of the Bridge Enterprise is to finance, repair, reconstruct, and replace designated bridges in the state; and

WHEREAS, Section 43-4-805(5)(f), C.R.S. authorizes the Bridge Enterprise Board to enter into agreements with the Commission or CDOT; and

WHEREAS, in furtherance of the business purposes of the Bridge Enterprise the Bridge Enterprise Board has determined it is necessary and convenient to identify and define Title and Ownership of Real Property purchased by the Bridge Enterprise for Bridge Enterprise Projects; and

NOW THEREFORE BE IT RESOLVED, the Bridge Enterprise Board declares that Real Property acquired by the Bridge Enterprise for Bridge Enterprise Projects shall be Titled in the Name of the Colorado Department of Transportation for the use and benefit of the Colorado Bridge Enterprise.



Herman Stockinger  
Secretary, Bridge Enterprise Board of Directors

**Discuss and Act on Resolution to Approve the Bridge Enterprise Director**

Pam Hutton declared that the Resolution was shown on page 113 and that it describes the Bridge Enterprise and names Executive Director Hunt as the Director of the Colorado Bridge Enterprise.

Chairman Gruen asked for a motion for approval of the Resolution. Director Parker made a motion for the approval of the Resolution and the motion was seconded by Director Ortiz. On a vote of the Bridge Enterprise Board of Directors, the Resolution was unanimously approved.

**Resolution #BE-66**

**Appointment of Bridge Enterprise Director**

**Approved by the Bridge Enterprise Board of Directors on: March 17, 2011**

WHEREAS, C.R.S. 43-4-805 creates the statewide Bridge Enterprise (Bridge Enterprise) as a government-owned business within the Colorado Department of Transportation (CDOT); and

WHEREAS, the business purpose of the Bridge Enterprise is to finance, repair, reconstruct and replace bridges designated as structurally deficient or functionally obsolete and rated as poor by CDOT; and

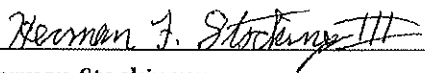
WHEREAS, pursuant to C.R.S. 43-4-805(2)(a)(I), the Bridge Enterprise Board shall, with the consent of the CDOT Executive Director, appoint a Bridge Enterprise Director to oversee the discharge of all responsibilities of the Bridge Enterprise; and

WHEREAS, the Bridge Enterprise Director shall serve at the pleasure of the Bridge Enterprise Board and shall possess such qualifications as established by the Bridge Enterprise Board and the State Personnel Board; and

WHEREAS, the Director of the State Personnel Board has concurred with the qualifications previously submitted by CDOT for the Bridge Enterprise Director; and

WHEREAS, by virtue of the change in administrations and the departure of Russell George as Executive Director of CDOT and as Director of the Bridge Enterprise it is necessary to appoint a new Bridge Enterprise Director.

NOW THEREFORE BE IT RESOLVED, the Bridge Enterprise Board of Directors hereby appoints Donald Hunt as the Bridge Enterprise Director, and acknowledges that Mr. Hunt is also the Executive Director of CDOT.



Herman Stockinger  
Secretary, Bridge Enterprise Board of Directors

Pam Hutton gave the following report on the Bridge Enterprise program:

Bridge Enterprise  
Board of Directors Meeting  
March 2011  
Progress Update

### **Major Achievements**

- 300M Bond Program Delivery Plan
  - Met with regions to discuss challenges, constraints, and options to accelerate the program
  - Evaluated staffing considerations to deliver the program
  - Confirmed regional plans reflect best-case delivery
  - Prepared presentation for Extended March BOD workshop
  - Continue to pursue programmatic agreements and clearances
- UPRR
  - Environmental
- Continue to pursue usage of a Rolling-Controlled Owners Insurance (RCIP) program
  - Meetings with IMA (state insurance broker)
- Today - Approved resolution appointing new BE Executive Director
- Updating CDOT website
  - ([www.coloradodot.info/about/bridge-enterprise](http://www.coloradodot.info/about/bridge-enterprise))
- Continue working with ICAC and AG on streamline Design/Build and CM/GC contract templates
- BE Guidance Documents
  - Today, revised budgeting policy Chief Engineer +/- 15%
  - FHWA policy regarding maximum of 10% for approach roadway costs
  - Task order language to convert DBB to D/B
  - Bridge Condition Assessment Decision Tree
  - Project Assessment Workflow
  - Project Delivery Selection / Risk Assessment

### **Status of Most Deficient Bridges**


#### **Two Remaining Bridges:**

- L-18-M (R2); I-25 ML NBND over Indiana Ave – EIS/ROD 2012
- E-17-FX (R6); I-70 Viaduct

#### **Current Bridge Status**

**Adjournment**

Chairman Gruen called for adjournment of the Bridge Enterprise Board of Directors meeting at 11:30 on Thursday, March 17, 2011.

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**Herman Stockinger, Secretary**  
**Bridge Enterprise Board of Directors**