

**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.

*Bridge Enterprise Board  
Regular Meeting Agenda  
Thursday, March 17, 2011  
4201 East Arkansas Avenue  
Denver, Colorado 80222*

*PRESENT WERE: Leslie Gruen, Chairman, District 9  
Steve Parker, Vice Chairman, District 8  
Trey Rogers, District 1  
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  
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  
Ben Stein, CFO  
Stacey Stegman, Public Relations Director  
Tim Harris, Region 2 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Mike McVaugh, on behalf of Region 5 Transportation  
Director, Richard Reynolds*

*Reza Akhavan, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory  
Committee (STAC) Chairman  
Dave Wieder, Maintenance and Operations Branch  
Manager*

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

Chairman Les Gruen convened the meeting at 11:17 a.m. on March 17, 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.

### **BE Working Committee Report**

CBE Board of Directors: Chairman L. Gruen, S. Parker, G. Reiff, J. Erickson, D. Aden, G. Ortiz, T. Rogers, H. Barry, K. Killin

CDOT Staff: P. Hutton, T. Harris, S. McDaniel, R. Akhavan, T. DeVito, P. Catlin, B. Stein, M. Leonard, M. Krasny, D. Eller, J. Olson, H. Bimmerle, H. Morrow, T. Kelly, J. Finch, J. Zufall, M. Nord, H. Stockinger

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

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

1. Chairman Gruen called the meeting to order and turned it over to Director Reiff to lead.
2. Director Reiff kicked-off the "extended workshop" presentation (Slides 1 and 2) with introductory comments and indicated that the presentation was broken into three main sections:

- \$300 Bond Program Acceleration
- I-70 Update and Financial Considerations
- Strategic Program Delivery.
- P. Hutton then proceeded to give the “extended workshop” presentation (with the exceptions noted below) which correlated to Item 10 on the workshop agenda - Strategic Program Delivery Presentation.
- \$300M Bond Program Acceleration (Slides 3 - 4)
  - P. Hutton noted that after looking for ways to accelerate the current plan, it was determined that there were no large gains to be made in the current program.
  - The program will continue to explore opportunities to begin/complete construction as quick as possible.
- I-70 Viaduct Update and Financial Considerations (Slides 5 - 9)
  - (Slide 6) R. Akhavan (Region 6 RTD) gave an overview of the March 10th PACT meeting. The group came away with a leaning towards the current alignment alternative. The plan for the next meeting is to look at the pros and cons of re-alignment alternatives (north or south). Director Reiff asked R. Akhavan to quantify: (1) the timeline associated with identifying a final alignment decision and the goal is May, and (2) the overall timeline from preferred alternative, to FEIS, and issuance of the ROD which was targeted as minimally two years from now or summer 2013.
  - (Slide 7) EIS funding options were outlined. Director Aden pointed out that the TRANS Bonds money which is an option is currently funded with statewide money previously allocated to other programs. This needs to be considered when those funds become available again.
  - (Slide 8) Costs for the I-70 viaduct were outlined. P. Hutton pointed out that the total cost will be initially influenced by ROW costs which could be in the range of \$200M.
  - (Slide 9) Questions for Consideration:
    - Director Reiff asked B. Stein the importance of making the funding decisions. B. Stein explained that the decision helps with the financial planning process.
    - If the Board allocates some money to I-70 it helps with the EIS/ROD. The decision also affects the BE planning.
    - Director Reiff asked to come back to this decision after the remainder of the presentation.

- Strategic Program Delivery (Slides 10 - 23)
    - o (Slides 11 - 14) Prioritization of bridge projects: Director Rogers advocates the adding of newly poor bridges with a look towards safety and efficiency. P. Hutton summarized that BE will look to add bridges with the lowest sufficiency ratings, companion bridges and bridges which increase efficiency.
    - o (Slides 15 - 17) Rehabilitation vs. Reconstruction: A bridge condition assessment plan was presented and the Board accepted the plan as presented.
    - o (Slides 18 - 19) The bundling policy was discussed. Director Reiff questioned the importance of bundling. Director Barry wanted to point out that bundling is a hot button at this time especially in the smaller firms and DBE community. After further discussion, the BE BOD agreed that bundling projects in an efficient manner is desirable.
    - o (Slides 20 - 21) Contracting Methods were discussed with an emphasis on the desire to increase the innovative contracting. P. Hutton proposed the hiring of a contractor to assist with the creation of guidance documents which speed up the process of training the staff to the D/B and CM/GC delivery programs. Director Reiff suggested that the decision to hire for contracting be deferred to a meeting with Chairman Gruen, P. Hutton, S. McDaniel and Director Hunt.
      - B. Stein asked if “best value” should be considered along with lowest price and the Director’s agreed that this is what they would like.
    - o (Slide 22) Revise the budgeting policy to allow the Chief Engineer the ability to adjust the budget similar to all other programs. The Directors agreed.
    - o (Slide 23) Staffing considerations explained the need to add specialty staff to accelerate the clearance aspect of projects. The Directors like to reallocate the current available staff rather than add new staff.
  - Returning to the budget question for I-70 viaduct. The Board agree that it was a prudent decision to quantify a set aside of Bridge Enterprise money for the I-70 viaduct. A specific number or range is yet to be determined.
3. Director Reiff turned the meeting back to Chairman Gruen.
  4. Chairman Gruen requested comments on the February 16<sup>th</sup>, 2011 Workshop Meeting Notes.

- No comments were noted.
- 5. P. Hutton presented the Resolution for the appointment of Director Hunt as the new Bridge Enterprise Director.
  - No comments were noted.
- 6. P. Hutton presented the Resolution for the Adoption of the Right-of-Way Policy.
  - No comments were noted.
- 7. B. Stein presented the proposed umbrella STIP/TIP program policy. He noted that the BE Bonding Project list will be presented to the Transportation Commission at tomorrow's meeting.
  - No comments were noted.
- 8. B. Stein presented the Proposed FY 2012 Budget.
  - This is the first look at the proposed FY 2012 budget for the administrative costs associated with BE.
  - B. Stein noted that with the addition of new poor bridges to the program the scoping pools may needed to be adjusted.
  - No comments were noted.
- 9. B. Stein presented the Resolution for the Transfer of Bridge Assets from CDOT to BE.
  - Transfer of J-18-S and J-18-T prepared to go to AD.
  - Transfer of L-24-F to begin pre-construction.
  - No comments were noted.
- 10.B. Stein presented the Proposed 9<sup>th</sup> Budget Supplement.
  - B. Stein noted that the funding in the supplement includes construction, ROW acquisition, pre-construction and indirect requests.
  - He noted that there are 2 walk-on items consisting of a typing correction and an updated design estimate request.
  - No comments were noted.
- 11.P. Hutton does not believe a Sub-Committee meeting is needed for April 2011 which was concurred with by the Directors. The only meeting needed is the small meeting to discuss the Contracting staffing question previously noted.

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

Chairman Gruen asked for a motion for approval of the Minutes and the motion was made by Director Aden. The motion was seconded by Director Reiff. On a vote of the Bridge Enterprise Board of Directors, the minutes were unanimously approved.

**Resolution #BE-62**

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

BE IT RESOLVED THAT, the Minutes for the February 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:**

**J-18-S-25 ML NBND over Draw**

**J-18-T-I-25 ML NBND over Draw**

**L-24-FSH 101 ML over Purgatoire River**

Ben Stein declared that the Resolution was the mirror to a Resolution passed in the Transportation Commission Meeting earlier in the day and that its language would allow the Bridge Enterprise to accept the transfer of the bridges that were approved for transfer earlier. Ben stated that if there were any questions he would be happy to answer them. Chairman Gruen asked if there were any questions.

Director Rogers made a motion to approve the Resolution and the motion was seconded by Director Kaufman. On a vote of the Bridge Enterprise Board of Directors, the Resolution was unanimously approved.

**Resolution #BE - 63**

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

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

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

J-18-SI-25 ML NBND over Draw  
J-18-TI-25 ML NBND over Draw  
L-24-FSH 101 ML over Purgatoire River; and,

WHEREAS, pre-construction activities for structures J-18-S and J-18-T have been completed in the current fiscal year and the projects are scheduled for advertisement; and,


WHEREAS, pre-construction activities are scheduled to commence for structure L-24-F; 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 9<sup>th</sup> Budget Supplement**

Ben Stein stated that in the Mailing there was a lengthy Budget Supplement document and asked if there were any questions from the mailing packet.

He then stated that he would go over items that had been discussed at the Bridge Enterprise Workshop on Wednesday, March 16, 2011.

The first walk-on item was a request for:

Region 2

\$240,000 L-22-E AND L-22-O additional funds for a design estimate  
L-24-F correcting a structure number from the mailing packet

Chairman Gruen asked for a motion for approval of the 9<sup>th</sup> Budget Supplement. Director Killin made a motion for the approval of the Supplement and the motion was seconded by Director Rogers. On a vote of the Bridge Enterprise Board of Directors, the Budget Supplement was unanimously approved.

### **Resolution #BE-64**

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

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

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

### **Discuss and Act on Resolution to Approve Right-of-Way Policy**

Pam Hutton mentioned that the Resolution had been discussed at the Bridge Enterprise Workshop on Wednesday, March 16, 2011 and that the Resolution mirrors one that was passed earlier in the Transportation Commission Meeting and that the language asks for the Board of Directors to acknowledge that real property acquired by the Bridge Enterprise would be titled in the name of the Colorado Department of Transportation for the benefit of the Bridge Enterprise program. Pam requested approval of the Resolution.

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



**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

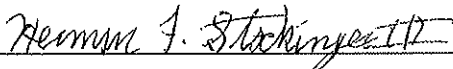
WHEREAS, pursuant to 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority 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.

  
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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

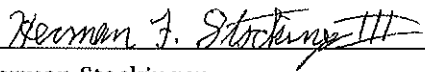
WHEREAS, pursuant to C.R.S. 43-4-805(2)(a)(I), the Bridge Enterprise Board shall, with the consent of the CDOT Executive Director, appoint a Bridge Enterprise Director to oversee the discharge of all responsibilities of the Bridge Enterprise; and

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.

  
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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**