



Quarterly Status Report

January 2020 through March 2020



PREPARED BY:



COLORADO
Department of Transportation

IN CONSULTATION WITH:



COLORADO
Department of Transportation
Statewide Bridge Enterprise

DATE: May 8, 2020

TO: Colorado Transportation Commission (TC)
Colorado High Performance Transportation (HPTE) Board of Directors
Colorado Bridge Enterprise (BE) Board of Directors

FROM: Keith Stefanik, Project Director, Central 70 Project

SUBJECT: Quarterly Update

PROJECT PROGRESS

This memo summarizes the status of the Central 70 Project across the following areas:

- Status of Design and Construction
- Status of Pre-Development Budget
- Status of Community Commitments

ACTION

No actions are requested at this time. This memo is for information purposes only.

BACKGROUND

Per the Central 70 Project Intra-Agency Agreement (IAA) dated August 22, 2017, (as amended by the First Amendment to the IAA, dated November 15, 2017, and the Second Amendment to the IAA, dated April 3, 2019), the Central 70 Project Director shall provide quarterly updates to the Transportation Commission, Bridge Enterprise (BE) Board of Directors, and the High Performance Transportation Enterprise (HPTE) Board of Directors through Final Acceptance.

MATTERS REQUIRING POLICY INPUT

None at this time.

COMPLETED MILESTONES THIS QUARTER

January 2020

- Continued BNSF Bridge work at the BNSF Market Lead tracks in order to meet the 9-month shut down schedule.
- Continued construction of Phase 2 of the I-70 over Peoria Street bridge (inside lanes), including placing the bridge deck.
- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street.
- Continued substructure work on the first phase of UPRR Bridge over I-70.
- Continuing reconstruction of I-70 over Quebec Street bridge.
- Continued substructure work at the I-70 over Denver Rock Island Railroad (DRIR) bridge.
- Cover Top Drainage Variance was approved by City and County of Denver (CCD).

- KMP addressing UPRR comments (provided on January 16, 2020) on the 100% UPRR Drainage package.
- Place deck at Colorado over I-70 bridge (Phase 1).
- Westbound 46th Avenue between Clayton and Steele Streets closed through midspring for waterline work on Fillmore Street; Fillmore Street closed between 45th and 46th avenues as part of this work. Local access will be maintained.
- Continued Milestone 1 punch-list work, including setting permanent sign structures in the east segment.
- Started substructure work on Josephine Street bridge.
- Began design of the UPRR alternate track phasing.

February 2020

- Partial demolition of I-70 over Brighton Boulevard bridge occurred over weekend of February 28, 2020.
- Began receiving UPRR girders at the project site..
- Continued permanent work at Brighton Boulevard.
- Abatement of last building schedule to be demolished (AP-93) was complete during the period.
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado boulevards, including excavation and wall work.
- Place deck at Steele/Vazquez over I-70 bridge.
- Begin soil mixing (cement treated) in the lowered section.

March 2020

- Continued BNSF Bridge work at the BNSF Market Lead tracks in order to meet the 9-month shut down schedule.
- Continued reconstruction of various bridge structures along I-70 between Brighton Boulevard and Quebec Street.
- KMP addressing UPRR comments (provided on January 16, 2020) on the 100% UPRR Drainage package. Yard drainage plans were resubmitted to UPRR March 4, 2020 and UPRR comments were received March 27, 2020.
- Continue to receive UPRR girders at the project site.
- Continued substructure work on the first phase of UPRR Bridge over I-70.
- Continued substructure work at the I-70 over Denver Rock Island Railroad (DRIR) bridge.
- Continued permanent work at Brighton Boulevard.
- Continued construction of the lowered section north of 46th Avenue between Brighton and Colorado Boulevards, including excavation and wall work.
- Continued various construction work on Stapleton Drive North and South (including utilities, walls, and bridge reconstruction) requiring closures and lane restrictions.
- Continued punch-list work setting permanent sign structures and beginning pavement preparations in the Milestone 1 limits.

- Continued construction on the superstructure on Josephine Street bridge.
- Continued design of the UPRR alternate track phasing.
- Continued bridge construction on Fillmore streets.
- Continued soil mixing (cement treated) in the lowered section.
- Began placing girders on the Cover
- Demolition of the last building structure at AP-93.
- Completed the girder erection for BNSF.

UPCOMING MILESTONES

April 2020 through June 2020

- Shift traffic and start demolition of I-70 over Brighton Boulevard bridge.
- Finalize Milestone 1 punch-list items.
- Continue work on UPRR bridge, including finalization of the substructure of Phase 4 and placement of the girders.
- Shift traffic to the outside lanes of I-70 between Colorado Boulevard and Quebec Street.
- Place all the girders for the Cover and placement of the Cover deck.
- Begin installation of the fire suppression system and other systems elements underneath the Cover.
- Complete BNSF work for the spur track into Manna Pro.

LAWSUIT UPDATE

Lawsuit/Complaint	Status
Lawsuit filed against Environmental Protection Agency (EPA) regarding Air Quality standards	Ruling in EPA's favor
Title VI complaint filed against the Federal Highway Administration (FHWA) regarding Environmental Justice	Administrative decision in the Colorado Department of Transportation's (CDOT) favor
Drainage lawsuit against City of Denver	Ruling in City of Denver's favor
National Environmental Policy Act (NEPA) Lawsuit filed against FHWA regarding connected action	Lawsuit dismissed with prejudice
NEPA lawsuit filed against FHWA regarding environmental issues	Plaintiffs and State reached settlement agreement in December 2018. State in process of implementing settlement mitigations including funding health study, air quality monitoring, and additional landscaping.

All lawsuits associated with the Project to date have been resolved. The State (CDOT) reached a settlement agreement with the petitioners (Sierra Club, Elyria and Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Colorado Latino Forum) in the civil action lawsuit (D. Colo. No. 17-1679) in December 2018.

As part of this settlement agreement, CDOT agreed to a variety of mitigations including funding a community health study, air quality monitoring, and landscaping. CDOT received the petitioners' proposal and identification of nonprofit organization (The Nature Conservancy) on March 29, 2019 related to the acquisition and planting of trees throughout Elyria, Swansea and Globeville. CDOT reviewed and accepted the proposal and then issued payment to The Nature Conservancy in the amount of \$25,000. The Nature Conservancy confirmed receipt on April 25, 2019.

Also per the settlement agreement, an Agreement related to a proposed health study was executed between the Petitioners, CDOT, CDPHE and Denver on July 16, 2019. With the execution of the Agreement, CDOT provided \$550,000 to CDPHE for ultimate completion of the Health Study. CDPHE confirmed receipt on September 12, 2019. The Enterprises executed a change with the Developer to add the vines to the sound walls between Brighton Boulevard and High Street and add additional trees within small remnant parcels between Brighton Boulevard and Fillmore Street. Both additions are to fulfill one of the commitments in the settlement agreement.

The overall status of all settlement agreement items will be tracked monthly by the Enterprises to conclusion.

ISSUES

The Enterprises issued the Milestone 1 completion certificate to the Developer on December 9, 2019. The Developer is resolving punch list items for Milestone 1. Some punch list items, such as the sign structure installation and the final lift of paving (Stone Matrix Asphalt or "SMA") within the Milestone 1 limits, will not be completed until summer 2020.

The UPRR approved the 100% UPRR bridge plans October 4, 2019 and the associated Public Utilities Commission (PUC) permit amendment was issued October 9, 2019. This allowed the Developer to commence construction of the UPRR bridge. Construction of the UPRR bridge began in November 2019, but quality issues have further delayed this work. These quality issues are related to the substructure and girder fabrication. The Developer has worked to resolve these issues with UPRR and construction work is advancing. The Enterprises and the Developer continue working with UPRR on prioritizing construction submittals, resolving noncompliant construction work and identifying schedule mitigation strategies.

The Enterprises continue to perform reviews of the Developer's UPRR submittals prior to submission to UPRR (instead of concurrently with the UPRR review per the Project Agreement) to identify and correct any errors or missing documents in the submittals and minimize UPRR rejections. The UPRR provided comments on the revised UPRR drainage package on January 16, 2020 and KMP resubmitted on March 4, 2020. The UPRR responded with additional comments on March 27, 2020. The Enterprises and KMP are addressing comments and anticipate a resubmittal to UPRR in late April. KMP is also addressing UPRR comments on the UPRR drainage license agreements with an anticipated resubmittal on April 24, 2020.

Aside from the UPRR work, there are concurrent delays on the project that are impacting the completion date, including work associated with the Cover. The Cover has been impacted by late completion of design packages as well as construction work not progressing as quickly as planned. Additionally, the Enterprises continue to raise concerns about KMP’s progress on developing the testing and commissioning plans for the Cover. These plans are critical to the Project’s efforts to shift traffic into the lowered section.

The Enterprises have received numerous Supervening Events (SEs) (see SEs 8, 10-15, 17-18, 21-22, 24-26, 29-30, and 31 -34) related to the UPRR bridge based on design criteria interpretation differences between the Developer and UPRR. The Enterprises have previously rejected these SEs. The Developer did provide draft Detailed SE submissions for these SEs to the Enterprises on February 14, 2020, in order to begin negotiations in accordance with dispute process in the Project Agreement. The Enterprises extended the deadline for the Detailed SE submissions until June 12, 2020 to support these negotiations. During the quarter, the Developer has also submitted SEs 35 and 36 related to Denver Fire Department design submittal reviews of the Cover. The Enterprises have rejected these SEs on lack of merit.

The Developer’s project schedule continues to indicate that completion of Milestones 2, 3, 4, 5 and 6 and Substantial Completion will occur after the associated completion deadlines (overall completion approximately 10 months late). The Enterprises and the Developer are meeting regularly to identify and implement mitigation strategies to get the overall project back on schedule, including the interim completion milestones.

During the month of March, a global pandemic (COVID-19) was declared by the World Health Organization (WHO). Federal, State, and Local leaders have all implemented mitigation measures to reduce the spread of COVID-19. These measures have ultimately reduced physical contact and person to person interactions.

At the project level, additional safety precautions such as face masks and social distancing have been implemented to insure the safety of all workers. KMP has updated the Safety Management Plan for the project to address the revised safety protocols. Construction is considered an essential function and has continued under these conditions. The Project is taking advantage of the lowered traffic volumes by accommodating additional day time lane closures, which has resulted in an acceleration of the construction. This issue continues to be monitored but is not expected to negatively impact the schedule at this time

Supervening events are summarized in the table below (shading indicates the SE is closed).

SEN #	Description	Date Received from Developer	Type of SEN	Status
1	UPRR Agreement Delay, Request for Extension to Detailed Supervening Event Submission	04/25/2018	Comp Event	Included in Settlement Agreement

SEN #	Description	Date Received from Developer	Type of SEN	Status
2	UPRR Phase 0 Work Delay	03/23/2018	Comp Event	Included in Settlement Agreement
3	UPRR Work Performance Schedule	03/23/2018	Delay Relief Event	Withdrawn by the Developer
4	Section 232 Steel and Aluminum Tariffs	08/13/2018	Relief Event	Included in Settlement Agreement
5	Swansea Asbestos Containing Material	07/07/2018	Comp Event	Change Order was executed on 09/03/2019
6	AP-83 Asbestos Containing Material	10/10/2018	Comp Event	Withdrawn by the Developer
7	Sand Creek Bridge	11/20/2018	Comp Event	Portions of this repair have been completed by the Developer. The Enterprises have agreed to issue a change order to resolve this SE and anticipate execution in April 2020.
8	UPRR Crossing Diaphragm Spacing	12/17/2018	Delay Relief Event	Rejected by the Enterprises on 09/30/2019
9	Structure E-17-FX Viaduct	12/17/2018	Comp Event	Withdrawn by the Developer
10	UPRR Transverse Plate Welding	02/22/2019	Delay Relief Event	Rejected by Enterprises on 08/29/2019
11	UPRR Underside Plate Welding	02/22/2019	Delay Relief Event	Rejected by Enterprises on 08/31/2019
12	UPRR Drip Plates	02/22/2019	Comp and Relief Event	Withdrawn by the Developer
13	UPRR Bearings	02/22/2019	Comp and Relief Event	Withdrawn by the Developer
14	UPRR Impact Loading	02/22/2019	Delay Relief Event	Rejected by Enterprises on 09/23/2019
15	UPRR Rebar Detailing	02/22/2019	Delay Relief Event	Rejected by Enterprises on 09/23/2019
16	Severe Weather Event - Bomb Cyclone	03/27/2019	Relief Event	Withdrawn by the Developer
17	UPRR Shoring	03/28/2019	Comp Event	Rejected by Enterprises on 08/29/2019
18	UPRR Shoring unexcused RR delay	03/28/2019	Delay Relief Event	Rejected by Enterprises on 08/29/2019
19	AP-102 Hazardous Material	03/27/2019	Comp Event	Withdrawn by the Developer
20	Reserved			
21	UPRR Steel Notes	05/02/2019	Comp Event	Rejected by Enterprises on 07/10/2019.
22	UPRR Steel Notes Relief	05/02/2019	Delay Relief Event	Rejected by Enterprises on 07/10/2019.

SEN #	Description	Date Received from Developer	Type of SEN	Status
23	Recognized Hazardous Material (RHM) 46 th and Steele Southwest Gore Asbestos	05/29/2019	Comp Event	Waiting on detailed SE submission by Developer
24	UPRR Crossing Diaphragm Spacing	06/14/2019	Comp Event	Rejected by Enterprises on 09/30/2019. Related to SE Event 8.
25	UPRR Transverse Plate Welding	06/19/2019	Comp Event	Rejected by Enterprises on 08/31/2019. Related to SE Event 10.
26	UPRR Underside Plate Welding	06/28/2019	Comp Event	Rejected by Enterprises on 08/31/2019. Related to SE 11.
27	Reserved			
28	Reserved			
29	UPRR Impact Loading	06/28/2019	Comp Event	Rejected by Enterprises on 09/23/2019. Related to SE 14.
30	UPRR Rebar Detailing	06/28/2019	Comp Event	Rejected by Enterprises on 09/23/2019. Related to SE 15.
31	UPRR Drainage Review	08/22/2019	Comp Event	Rejected by Enterprises on 12/17/2019.
32	UPRR Drainage Review	08/22/2019	Delay Relief Event	Rejected by Enterprises on 12/17/2019.
33	UPRR Unreasonableness	08/22/2019	Comp Event	Rejected by Enterprises on 12/18/2019.
34	UPRR Unreasonableness	08/22/2019	Delay Relief Event	Rejected by Enterprises on 12/18/2019.
35	Fire Department Review	12/26/2019	Delay Relief Event	Rejected by Enterprises on 03/06/2020
36	Fire Department Review	12/26/2019	Relief Event	Rejected by Enterprises on 03/06/2020
37	Discovery of Recognized Hazardous Material – Dahlia & Stapleton ACM	01/31/2020	Comp Event	Waiting on detailed SE submission by Developer

SCHEDULE STATUS

The Developer reported that the Project is 42.6% complete through March 2020. Design is 98.9% complete and construction is 32.6%.

The existing project schedule is based on the Revised Baseline Schedule (Revision 02). The Revised Baseline Schedule (Revision 02) was conditionally accepted on May 14, 2019. A new Revised Baseline Schedule (Revision 03) was submitted in a draft form in January 2020. The Enterprises provide comments to the schedule in February 2020. The Developer made an

official submission of the Revised Baseline Schedule in March 2020. The Enterprises plan to submit comments in April 2020 and is working towards acceptance of this schedule in May 2020. This schedule is expected to forecast a 10-11 month delay to the completion of the project.

Milestones 2 is currently behind schedule. This delay has several underlying causes including longer than anticipated design duration, construction productivity issues, and resolution of quality issues. The Revised Baseline Schedule (Revision 03), makes significant revisions to the construction sequence for this work within the Milestone 2 limits. This includes a different construction approach around Quebec Street. The Developer is not attributing any of the causes of these delays to the Enterprises.

Milestones 3, 4, 5, 6, and Substantial Completion are all linked. Delay associated with this work is tied to approval of the UPRR 100% bridge design by UPRR as well as progress of the Cover construction. The UPRR bridge design was approved October 4, 2019, which is much later than what was anticipated at the time of the Settlement Agreement in November 2018 and as planned in the Revised Baseline 2. The Developer believes this delay is compensable and the basis of this position is detailed in the outstanding Supervening Events associated with UPRR. As mentioned earlier, the validity of many of the Developer’s claims will be analyzed and any associated impacts determined. Over the past Quarter, additional concurrent delays associated with the Cover have been realized. These concurrent delays are a result of design submittals and construction work that is not being completed as planned.

The table below provides a summary of the project Completion Milestones.

Event	Baseline Date	Forecast Date	Status*
Commercial Close	11/21/2017	NA	Completed - 11/21/2017
Financial Close	12/21/2017	NA	Completed - 12/21/2017
NTP1	02/09/2018	NA	Completed - 02/09/2018
NTP2	06/01/2018	NA	Completed - 07/10/2018
NTP3 (Snow and Ice Control Services)	07/01/2018	NA	Completed - 07/18/2018
Payment Milestone 1 (Sand Creek Bridge to Chambers Road)	12/09/2019	NA	Completed 12/09/2019
Payment Milestone 2 (Dahlia Street to Sand Creek Bridge)	11/10/2020	10/14/2021	-338 days
Payment Milestone 3 (Phases 1-5 of the UPRR Crossing)	10/17/2020	05/19/2021	-214 days
Payment Milestone 4 (Westbound I-70 between Brighton Boulevard to Dahlia Street & Removal of Viaduct)	09/26/2021	02/25/2022	-152 days

Payment Milestone 5 (Eastbound I-70 between Brighton Boulevard to Dahlia Street, UPRR Phase 6)	03/25/2022	10/31/2022	-220 days
Payment Milestone 6 (SMA paving & Cover top)	08/20/2022	06/13/2023	-297 days
Commence Intelligent Transportation System(s) (ITS)/Tolling Testing/Integration	09/22/2022	10/05/2023	-289 days
Substantial Completion	09/21/2022	07/27/2023	-309 days
Final Acceptance	12/20/2022	10/26/2023	-308 days
Design/Build Phase Close-out	06/2023	04/2024	-300 days

**see Schedule Status narrative for additional information regarding the status*

The forecast dates for Milestones 3, 4, 5, 6, Substantial Completion, and Final Acceptance will be delayed by construction elements that are now in the 100% UPRR Bridge plans as well as the Cover design. The Developer has quantified these impacts and included them in the Revised Baseline 3, which was officially submitted to the Enterprises on March 19, 2020.

BUDGET STATUS

The project budget has been updated to reflect the 2020 Annual Update to the Financial Plan that was approved by FHWA in March 2020.

Enterprises Costs Estimate	Amount
Environmental Phase	\$40.9M
Procurement Phase	\$81.3M
Delivery Phase	\$60.0M
Miscellaneous Enterprise Reserve	\$6.9M
ROW Phase	\$115.8M
Utility Phase	\$37.7M
Enterprises Construction Total	\$335.7M

In addition to the funds listed in the above table, the Enterprises have established a construction contingency (funded by the Department and Colorado Bridge Enterprise) to cover additional costs due to Supervening Events and Change Orders during the construction phase of the Project. Per the Project Agreement, the Enterprises have the option of paying the Developer for changes via a lump sum payment or by adjusting the annual availability payment. The current balance of this contingency fund is provided in the table below.

Contingency	Amount (in millions)
Enterprises Change Order/Supervening Event Initial Contingency	\$45.9
Executed Change Orders – Previous	\$4.3
Executed Change Orders – Current Period	\$0.3
Settlement Agreement	\$7.6
Remaining Enterprises Change Order/Supervening Event Contingency Balance	\$33.7

CONTRACT CHANGE NOTICES

As of March 31, 2020, the Enterprises have executed (63) Change Orders, issued (49) Enterprise Change Notices, received (29) Developer Change Notices, issued (17) Directive Letters, received (35) Supervening Event Notices, received (32) Preliminary Supervening Event Submission, and received (3) Detailed Supervening Event Submissions. The change orders executed to date have had a net cost of \$4.6 million to the Project.

No claims have been filed by the Developer against the Project and neither party has referred a dispute to the Dispute Resolution Panel (DRP) at this time.

QUALITY

The Developer is responsible for implementation and maintenance of an effective quality program to manage, control, document and ensure Developer compliance with all obligations and requirements in the Central 70 Project Agreement. The Enterprises implement the quality oversight program to monitor the Developer's quality program, but are not responsible for implementation of the Developer's quality program. However, the Enterprises retain the responsibility for acceptance of the work based on the assessment and test results of the quality oversight program summarized below.

Owner Verification Testing: Other than as detailed in the Enterprises' Quarterly Quality Report to the Federal Highway Administration (FHWA), the Enterprises' Owner Verification Testing (OVT) program has statistically verified and validated that all materials placed by the Developer are in full conformance with Project Agreement requirements. KMP did not have any concrete breaks that were below specification this quarter.

Independent Assurance Testing (IAT): The Enterprises' IAT program tests each OVT and Independent Quality Control (IQC) tester for each test procedure at least once per year. The Enterprises have determined that all Owner Verification and Developer IQC testers are qualified to test on the Project through March 2020.

Construction Verification Inspections (CVI): The Enterprises' CVIs evaluate Developer compliance with Project Agreement (PA) requirements by assessing a risk-based percentage of their Construction Work. All non-conforming work identified by the Enterprises is resolved through the Developer's nonconformance report closure process. From January 2020 through March 2020, the Enterprises' conducted 195 CVIs, yielding a 95 percent overall conformance percentage. For the entire project through March 2020, the Enterprises' has conducted 950 CVIs, yielding a 91 percent overall conformance percentage. The Developer continues to perform well for permanent construction work such as Electrical/ITS, Structures, Walls, Roadway, Earthwork, Cover, and Utilities. All nonconforming construction work identified by either KMP or the Enterprises' has been properly addressed through the NCR process. Therefore, there are not any notable and/or unresolved construction product issues to report this quarter.

Project Management Process Audits: The Enterprises’ Project Management Process Audits evaluate Developer compliance with the PA and processes prescribed in the Developer’s approved Management Plans. From January 2020 through March 2020, the Enterprises’ conducted 75 process audits, yielding an 88 percent overall conformance percentage. For the entire Project, the Enterprises’ conducted 523 process audits, yielding an 86 percent overall conformance percentage. Notable and outstanding process quality issues for this reporting period are presented below.

Element	Process	Issue	Status
Traffic (MOT) Process	PA Schedule 10, Section 2 and Transportation Management Plan (TMP)	KMP is not performing traffic switches per the signed and sealed MOT plans and is late picking up lane closures.	This issue is carried over from the fourth quarter report of 2019. This issue is a result of the Developer’s process with opening traffic switches to the traveling public. The Corrective Action Report (CAR) 015 plan was initiated in August 2019, but KMP continued to struggle with noncompliant traffic shifts through September 2019. In October 2019, KMP submitted an Increased Oversight and Remedial Plan of Action which is supplemental to CAR 015. From October 2019 through March 2020, KMP showed substantial and sustained improvement regarding performing compliant traffic switches. Therefore, CAR-015 was closed in March 2019. CLOSED
Construction Quality Management	Horizontal and Vertical Grade Control	KMP self-identified the issue. KMP has identified a lot of work that is out of vertical and horizontal alignment which has caused significant rework.	This issue is carried over from the fourth quarter report of 2019. CAR 016 was opened in September 2019 for KMPs persistent issue with vertical and horizontal grade control. The Enterprises’ approved a corrective action plan in October 2019. KMP discusses the corrective action progress at the weekly Quality Task Force meeting. The Enterprises’ and KMP have noticed a steady decrease in the frequency and magnitude of vertical and horizontal grade control issues, but occasional nonconforming grade control is still discovered. This corrective action is expected to be closed in Spring 2020. OPEN

Element	Process	Issue	Status
Construction Quality Management	Concrete Process Control (low breaks)	KMP self-identified the issue. Intermittent low 28-day strength results from Aggregate Industries Class D concrete	This issue is carried over from the fourth quarter quality report of 2019. KMP and the Enterprises' did not record and low breaks for any concrete poured from January 2020 through March 2020. This issue as described in CAR 017 was closed by KMP and the Enterprises' on March 23, 2020. CLOSED
Construction Safety Management	UPRR Safety Management Plan and the UPRR Controlled Access Plan	The Enterprises' requested KMP to develop a corrective action plan for systemic issues regarding enforcement of the UPRR Safety Management Plan and the UPRR Controlled Access Plan	KMP, CDOT, and UPRR continue to discuss CAR 018 in UPRR task force meetings. CAR 018 has gone through a few iterations since the Enterprise request in October 2019. It is important to note that CAR 018 seems to have mitigated the issues regarding KMP compliance with UPRRs Controlled Access Plan. However, from January 2020 through March 2020, there have been multiple additional infractions regarding KMP implementation of other aspects of the Safety Management Plan while on UPRR ROW. These additional infractions require KMP to develop additional mitigation measures that supplement the overall CAR 018 plan. To close CAR 018, a 1-month period must pass without additional violations. OPEN
Construction Quality Management	Fabrication, MRR, Shop Drawing, and Submittal Process for Drainage Structures	KMP's Subcontractors have fabricated drainage structures with incorrect dimensions that do not comply with CDOT or CCD Standards. As a prime example, KMP needed to remove and replace numerous Type 13 and Type 16 inlets that were already received and installed.	As part of CAR 019, KMP investigated the cause and developed a mitigation plan to prevent recurrence of this issue. KMP has developed an improved shop drawing review and materials receiving process. Part of the actions needed to close CAR 019 is a materials receiving self-audit that confirms that Subcontractors and KMP are delivering and receiving compliant drainage structures. Although showing improvement, the KMP audits have shown that there continues to be issues with fabricated drainage structures. The Enterprises' and KMP do not anticipate to close CAR 019 until late spring or early summer 2020. OPEN

Design Verification Reviews (DVR): The Enterprises' DVRs evaluate Developer compliance with PA requirements by assessing the Developer's design plans and other deliverables. From January 2020 through March 2020, the Enterprises' conducted 97 DVRs yielding a 78 percent overall

conformance percentage. For the entire Project, the Enterprises conducted 855 reviews, yielding an 84 percent overall conformance percentage. All noncompliant design identified by the Enterprises is resolved prior to the Developer releasing the plans for construction. Additionally, the Developer and the Enterprises issue Nonconformance Reports (NCRs) for design issues that are identified during performance of construction work. The nonconforming design is then resolved prior to construction. Since there has not been any known noncompliant design incorporated into the permanent work there are not any notable design issues identified by the Enterprises and/or the Developer for this reporting period.

MAINTENANCE/TRAFFIC ISSUES

The focus of routine maintenance work for this reporting period included snow removal, litter removal, flexible pavement patching, and resolution of any safety critical or hazardous defects which occurred during the reporting period.

The construction assessment team has been performing weekly assessments of the MOT/MHT setups. These issues are being communicated with and addressed by the Developer. The Enterprises began finding reoccurring issues with the implementation and field modification of traffic switches shown in the plans. As a result, the Developer has implemented a Corrective Action to prevent future occurrences. The Enterprises have seen improvement due to the Corrective Action and anticipate closing this issue in April 2020.

Due to the COVID-19 outbreak, the Project has experienced reduced traffic volumes. As a result, the Developer has requested additional lane closures and has been able to advance critical construction work including paving.

SAFETY ISSUES

The Developer had zero recordable events for the quarter, keeping the total at 5 for the project. As part of the safety program, anyone involved in a traffic related incident will be required to take a defensive driving course. Additionally, On-Site Safety is on the project to quickly tend to injuries as they occur.

Safety Patrol has responded to 940 events during this reporting period. This total includes 183 crash/incidents. 55 percent of these events were self-identified by Safety Patrol.

CIVIL RIGHTS STATUS

Small Business DBE/ESB Goals

Design Status: The Developer's Disadvantaged Business Enterprise (DBE) goal for the design is 11.6%. To date, the Developer has commitments to DBE design firms of 12.02% (\$5.8 million in work); this meets over 100% of the Developer's DBE goal for the design period. The Developer's Emerging Small Business (ESB) goal for the design period is 3.0%. To date, the Developer has commitments to ESB design firms of 9.45% (\$4.53 million in work); this exceeds the ESB goal for design for the Project.

Construction Status: The Developer's DBE goal for the construction is 12.5%. To date, the Developer has commitments to DBE construction firms of 12.25% (\$92.1 million in work); this meets 98% of the Developer's DBE goal for the construction period. The Developer's ESB goal for the construction period is 3.0%. To date, the Developer has commitments to ESB construction firms of 6.8% (\$51.3 million in work); this exceeds the Developer's ESB goal for construction for the Project.

Workforce Development Program and Goals

The WORKNOW program combines construction workforce training and supportive service programs into one coordinated program. Total enrollment reached 1,596 members, with 65 enrolled this quarter. The Central 70 Project is a founding partner of WORKNOW. For further information on the WORKNOW Program please go to: <https://work-now.org/accomplishments-to-date/>

During the COVID-19 crisis, coordination with WORKNOW regarding virtual outreach increased. WORKNOW continued providing services to both employed and laid off construction workers, while enacting proper health mitigation measures.

One key event occurred this quarter:

- In January WORKNOW and the C70 team collaborated to roll out a new construction job application called Trade Skills Match, holding two training sessions during the month. The Enterprises have begun to hold monthly check-ins to ensure the adoption of this technology and C70 contractors is smooth.

The Developer and its subcontractors have enrolled local hires for both professional services and construction. They have enrolled 471 local hires and 144 On-the-Job Training (OJT) participants. The Developer has recorded 402,594 local hire hours and 108,135 OJT hours.

MITIGATION/COMMUNITY COMMITMENTS STATUS

As of the date of this report, all of the identified Record of Decision (ROD) mitigation measures are either in progress or completed.

The Enterprises and Developer have completed nine ROD re-evaluations to date. Re-evaluation 9 was approved on October 4, 2019. ROD Re-evaluation 10 is still in progress. It will expand the construction limits to allow temporary access to replace the existing sign bridges just west of the Coliseum.

This Project is unique in that the core feature of the project—lowering the highway and constructing a cover/park that will link the two sides of the community back together—was developed to address Environmental Justice (EJ) concerns that arose from original highway construction back in the 1960s. In addition to the cover and park, the Central 70 Project includes other unique EJ mitigations such as the recognition of the importance of the Swansea Elementary School as a community center. These mitigations include two new early childhood

education classrooms, a new heating and air conditioning (HVAC) system, new exterior windows and doors, a relocated and renovated main entrance and administration offices, and a new playground. The table below provides the status of these mitigations.

Mitigation	Status	Notes
Targeted assistance to crucial businesses to remain in the neighborhood.	Complete	Assistance was provided to all businesses that were displaced by the project per the Uniform Act. All impacted businesses have been completed and reestablished in their new location per the Uniform Act. The Developer will continue the Community Outreach for businesses within the project area.
Provide funding to assist displacees with financial counseling and procurement of financing.	Complete	Funding has been provided through Community Resources and Housing Development Corporation (CRHDC)
Provide before, during, and after environmental sampling to assure the project has not caused re-contamination of residential properties.	Complete	Soil sampling on seven residential properties was completed in June 2018
Mitigate noise and dust impacts by providing residents living adjacent to the project new storm windows, furnace filters, and air conditioning units.	Complete	Assessments and installations of improvements were completed on 03/14/2019. Ongoing warranty work and energy credits will continue through the Construction Period.
Fresh Food Access – Provide \$100,000 to Denver Office of Economic Developments Globeville Elyria-Swansea (GES) Healthy Food Challenge.	Complete	The Enterprises transferred funds to the City and County of Denver in early November 2018; an initial report was received by the Enterprises in July 2019.
Provide \$2M in funding to support affordable housing in Elyria and Swansea neighborhoods.	Complete	The Enterprises transferred funds to Brothers Redevelopment in late November 2018; quarterly reports began in 2019.
Monetary Incentive for Managed Lanes	Deferred	Deferred until the new managed lanes are operational.
Swansea Elementary Phase 1	Complete	Retrofit school building with new classrooms, windows, doors, and HVAC system
Swansea Elementary Phase 2	Complete	Modify outdoor areas around school to provide playground, parking, and access roads during construction period.
Swansea Elementary Phase 3	Complete	Construct temporary outdoor features including playground, parking, and access roads.
Swansea Elementary Phase 4	In Design	To be constructed by Developer along with the Cover.

COMMUNITY ENGAGEMENT

The Enterprises, supported by the Developer, is responsible for communicating with citizens, the media, public officials, and other stakeholders regarding the Project. Public information efforts continue to take a two-pronged approach by focusing outreach on commuters and residents through various social media outlets, ongoing face-to-face presentations and check-in calls. Due to the current stay-at-home order per the Governor of Colorado and COVID-19, the Public Information team has transitioned to virtual outreach for commuters and residents until at least the end of April. In addition, the PI team has continued using various outreach tools to alert the public about ongoing traffic and construction impacts on Central 70 with the reduced traffic volumes on the interstate.