

Resolution – HPTE #

Approving Negotiation of Amendment to the Master Tolling Services Agreement between HPTE and E-470 Public Highway Authority covering HPTE Tolling Facilities

WHEREAS, pursuant to Section 43-4-806, C.R.S., the General Assembly of the State of Colorado created the Colorado High Performance Transportation Enterprise (“HPTE”) as a government-owned business within the Colorado Department of Transportation (“CDOT”) to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS, in furtherance of HPTE’s business purposes, HPTE may impose user fees for the privilege of using surface transportation infrastructure; and

WHEREAS, HPTE currently operates 115 lane miles of tolled express lanes in Colorado with 109 lane miles under construction (“Tolling Facilities”); and

WHEREAS, since 2015 HPTE has contracted with the E-470 Public Highway Authority (“E-470”), pursuant to a Master Tolling Services Agreement (“TSA”) to collect user fees and provide other back office functions for all Tolling Facilities except U.S. 36 in which user fees are collected on behalf of the U.S. 36 concessionaire pursuant to a separate agreement with E-470; and

WHEREAS, the TSA needs to be amended to comply with state fiscal rule changes; and

WHEREAS, pursuant to Section 43-4-806(6)(h), C.R.S., the Colorado High Performance Transportation Enterprise (HPTE) Board of Directors is authorized to make and enter into all agreements necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, in the next several weeks, HPTE staff anticipates entering into new task orders, pursuant to the existing TSA, to comply with state fiscal rules and negotiating an amendment to the TSA to confirm a process for encumbering funds for the various tasks E-470 performs under the; and

WHEREAS, the HPTE Board of Directors will review and be briefed on the final TSA amendment; and

NOW THEREFORE BE IT RESOLVED: the HPTE Board of Directors hereby authorizes HPTE staff to negotiate an amendment to the E-470 Master Tolling Services Agreement.

Signed as of December 15, 2021

Simon Logan
Secretary, HPTE Board of Directors