



Date: January 20, 2021

To: High-Performance Transportation Enterprise Board / Colorado Transportation Commission (TC)

From: Nick Farber, Director, HPTE, Simon Logan, HPTE Liaison and Program Coordinator

Subject: Updated HPTE and CDOT Memorandum of Understanding

Purpose

The current HPTE and CDOT MOU is seven years old and was signed in 2013. Following a review of governance documents during the 2020 HPTE Board Retreat, HPTE Board Members directed HPTE staff to develop a revised MOU with CDOT.

Background

The current MOU between HPTE and CDOT is outdated and centers on clarifying the role between the Office of Major Project Development (OMPD) and HPTE. HPTE assumed the roles and responsibilities of OMPD in 2017. Since then, HPTE has matured into a dedicated P3 office with 108 lane miles of Express Lanes in Operation and 115 under construction.

The revised MOU concentrates on the services HPTE and CDOT offer and how we coordinate. It looks at the relationship at a high level and references other agreements, like IAA's. As HPTE has grown into a successful tolling operator, challenges and growing pains have emerged around operations and maintenance of Express Lanes.

The MOU does not address these directly. Instead, it refers to a new IAA that HPTE and CDOT staff are developing to address the challenges both organizations face, which HPTE and CDOT staff hope to bring to the TC and HPTE Board later in 2021.

The MOU includes the following articles:

1. General Provision
2. HPTE's Value to the State and CDOT
3. HPTE Services
4. CDOT Services
5. CDOT and HPTE Coordination
6. Operations, Maintenance, Rehabilitation of Express Lane and Tolling Equipment
7. Procurement
8. CDOT Policies and Procedures (HPTE adopts all existing policy and procedure directives)
9. Termination

The attached MOU is the product of many months of effort to define the update the operating relationship between HPTE and CDOT. HPTE staff developed this updated MOU in closed consultation with the CDOT Executive Management Team, which approved this version in December 2020.

HIGH PERFORMANCE TRANSPORTATION

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Action

The TC and HPTE Board is asked to approve the proposed updated HPTE and CDOT MOU included in Attachment B.

Options / Decision Matrix

1. **Staff Recommendation:** Approve the revised HPTE and CDOT MOU.
2. Review but do not approve the MOU. Provide instructions on changes or revisions.

Attachments

- A. Resolution #343
- B. New HPTE and CDOT MOU (2021).
- C. Existing HPTE and CDOT MOU (2013) for comparison.