

Resolution – HPTE #378

Approving Fourth 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 extend the termination date of the TSA until June 30, 2028 and to commit to a future TSA amendment that will cover a Term Extension Wind-Down process; and

WHEREAS, pursuant to Section 43-4-806(6)(h), C.R.S., the 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, HPTE staff and legal counsel at the Colorado Attorney General’s Office negotiated an amendment to the TSA, which will be the fourth amendment, with E-470 counsel and staff and the HPTE Board of Directors has had an opportunity to review the final TSA Fourth Amendment.

NOW THEREFORE BE IT RESOLVED: the HPTE Board of Directors hereby approves the Fourth Amendment to the E-470 Master Tolling Services Agreement and authorizes HPTE’s Director to execute the Fourth Amendment on behalf of HPTE in substantially the form presented, with such changes thereto as may be approved by the HPTE Director and the office of the Colorado Attorney General, provided that such changes shall not substantially and materially alter the terms and conditions of the agreement as presented to the HPTE Directors, nor otherwise be inconsistent with this Resolution.

Signed as of _____

Simon Logan
Secretary, HPTE Board of Directors