

Resolution – HPTE #243

Approving HPTE September 20, 2017 regular meeting minutes

BE IT RESOLVED, that the September 20, 2017 meeting minutes attached hereto, are hereby approved by the High Performance Transportation Enterprise Board of Directors.

Signed as of October 18, 2017



Kari Grant
Secretary, HPTE Board

Agenda Item: **MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE)**

Held: Wednesday, September 20th, 2017; 11:30 am
4201 E. Arkansas Ave., CDOT HQ Auditorium, Denver, CO 80222

The regular meeting of the Board of Directors of the HPTE was convened in accordance with applicable statutes of the State of Colorado, with the following Directors present:

Attendance:	Kathy Gilliland, Chair	Thad Noll	Trey Rogers
	Don Marostica, Vice Chair	Rocky Scott	Shannon Gifford
		Jan Martin	

Chair Gilliland called the meeting to order @11:30 am: All Board Directors were present.

Director's Agenda Overview and Discussion: HPTE Director David Spector reported the state Transportation Legislative Review Committee is undertaking a review of major CDOT projects, including Central 70. Also in the past month HPTE has participated in a number of peer exchanges and outreach with other states and authorities on tolling, P3 best practices and express lane master planning. HPTE has also served as a resource to other inquiries regarding potential infrastructure financing opportunities, including discussions with Durango, Colorado, regarding potential airport, civic and other infrastructure projects in that community.

Mr. Spector summarized the agenda for the meeting. Nick Farber introduced two forthcoming amendments to the Tolling Services Agreements (TSA), both the 2-party agreement between HPTE and E-470 and the 3-party agreement that includes Plenary Roads Denver. The amendments address changes in E-470's performance metrics to better meet expectations. E-470 is setting industry standards for business practices. The Board will act on the TSA amendments in October.

The 2017 edition of the HPTE Board of Directors orientation manual was distributed to the Board members. Additionally, monthly Board meeting packets will transition in a few months to an electronic format with Adobe editing software.

HPTE Director Spector noted that the Board will have 2 vacancies after October. Board Directors Trey Rogers and Jan Martin will transition off the Board, and it is anticipated that new Governor appointees will be sworn in at the November meeting.

Discussion today will also address amendments to the FY18 budget and HPTE/CDOT fee for service IAA, which are contingent on Transportation Commission approval. Both actions are to accommodate the merger of the Office of Major Project Development and the Express Lanes master planning effort. HPTE and RoadX are also developing a Memorandum of Agreement for possible P3 opportunities. HPTE Director Spector said that HPTE will continue to serve CDOT by facilitating and participating in the value capture of public-private ventures, such as parking lot operations and management, and the digital communications proposal that the Board will hear about later in the meeting. It was noted that the possible future improvements to the Federal/Colfax interchange would also carry potential for HPTE participation.

The HPTE/TC Joint Workshop will feature a presentation and discussion on the digital communication proposal. In response to questions and comments about the proposal from the Board, Mr. Spector said the programmatic agreement will have many built-in protections, including the ability to reject any sign location, and that the agreement may be terminated by HPTE for convenience. It is anticipated HPTE revenues would be used to pay back existing loans from the Transportation Commission or replace fee for service revenues received from CDOT.

**Board Break,
Reconvene and Roll
Call:**

The Board took a five-minute break. Upon reconvening, all Board directors were present.

**Consent Agenda:
Resolution #235
Approving June 2017
Minutes:**

Upon a motion by HPTE Board vice Chair Marostica and second by Board Director Martin, the Consent Agenda was approved unanimously.

Public Comment:

HPTE Board Chair Kathy Gilliland invited members of the public to come forward if they wished to comment on any issue. None came forward.

Director's Report:

HPTE Director David Spector said the Central 70 Project has announced Kiewit Meridiam Partners as the private partner to design, build, finance, operate and maintain Central I-70 and the new Express Lanes. CDOT and HPTE are working with the new partner toward commercial and financial close. The Board can expect possible action in November. He noted the Central 70 litigation will be discussed in the Executive Session.

Another focus for the past month been on stakeholder outreach and peer exchanges. HPTE has been conferring with other state DOTs and tolling authorities on express lane system master planning. The Georgia DOT has been a good resource and example for planning.

**Communications
Report:**

HPTE Communications Manager Megan Castle reported that a consultant for communications and public information has been selected. The firm CIG is the winning proposer, and she noted three very qualified teams were interviewed. Ms. Castle said future Express Lane messaging will focus on proper and safe use of the Express Lanes. Also, the National Conference of Public Private Partnerships (NCPPT) has announced that HPTE is being recognized for the Service Project Award for successful P3 service delivery on the US 36 Express Lanes project. HPTE Board Chair Kathy Gilliland, who will attend the awards ceremony in January, remarked that these awards are important because they help the public know HPTE is succeeding at delivering projects using best practices.

Projects Report:

HPTE Operations Manager Nick Farber said there has been an increase in incidents on North I-25 from US 36 to 120th Ave. A safety audit led by FHWA will investigate the causes of these incidents. He noted that enforcement in the Express Lanes will be a key focus. There was discussion about the safety improvements on the I-70 Mountain Corridor, and whether the specific actions implemented there (such as the solid yellow line delineating the Express Lane) might be applicable to North I-25. HPTE Director Spector noted the upcoming messaging about legal use and safety of the lanes. Use of camera technology on the lanes was briefly discussed.

Mr. Farber reported that the South I-25 project Planning Environmental Linkage Study is underway and will dovetail with the subsequent environmental analysis. The next stage of work will include stated preference surveys which will help estimate value of time for potential users of the corridor. Results will be available in May.

HPTE attended the recent Rail-Volution conference where turnout was good and the Flatiron Flyer bus tour of US 36 was well-received. HPTE Director Spector noted that Nick Farber will attend the US DOT Transportation Advisory Board P3 Advisory Committee next month to share Colorado's experience with US 36.

**Act on Resolution
#241 Approving First
Amendment to FY18
Budget:**

HPTE Budget Manager Piper Frode recommended approval of the First Amendment to the FY18 Budget to accommodate the merger with OMPD and the Express Lanes master planning effort. She said that other than the increase to account for the compensation associated with the OMPD staff, the amendment reflects a reallocation of budget and is not an overall increase in HPTE's budget. She noted Board approval is contingent on the approval of the Transportation Commission. Upon a motion by Board Director Scott and second by Board Director Rogers, Resolution #241 was approved unanimously.

Act on Resolution

#242 Approving First Amendment to FY18 Fee for Service IAA:

Mr. Farber recommended amendments to the FY18 Scope of Work IAA between HPTE and CDOT to accommodate the merger with OMPD. Upon a motion by HPTE Board Director Gifford and second by HPTE Board Director Marostica, Resolution #242 was approved unanimously.

Other Business:

There was no other business before the Board.

Executive Session:

HPTE Board Chair Gilliland requested a motion to convene the Board in Executive Session pursuant to C.R.S. Section 24-6-402(3)(a)(III) and C.R.S. Section 24-72-204(3)(a)(IV) for the purpose of discussing an unsolicited proposal received by HPTE and related confidential commercial and financial information. Upon a motion by Board Director Rogers and second by Board Director Marostica, the motion was approved by all Board Directors present, constituting at least a two-thirds majority of the HPTE Board. The Board of Directors entered executive session at 1:04pm.

The Board of Directors exited executive session at 1:20pm. The Board took a short break to allow members of the Transportation Commission to convene for the scheduled joint executive session.

Joint HPTE, BE, CDOT Executive Session:

HPTE Board Chair Gilliland requested a motion to convene the HPTE Board jointly with the Transportation Commission and Bridge Enterprise Board of Directors pursuant to C.R.S. Sections 24-6-402(3)(a)(II) and (III) and C.R.S. Section 24-72-204(3)(a)(IV) for the purpose of discussing confidential commercial and financial information and to receive legal advice regarding the Central 70 Project and the Branded Cities digital communications network proposal. Upon a motion by Board Director Rogers and second by Board Director Marostica, the motion was approved by all Board Directors present, constituting at least a two-thirds majority of the HPTE Board. The Board of Directors entered the joint executive session at 1:31pm.

The Board of Directors exited executive session at 2:25pm and members of the public were allowed back into the Auditorium.

Joint Workshop with the Transportation Commission on the Digital Communications Proposal:

The HPTE Board of Directors and Transportation Commission met in a Joint Workshop to discuss the Branded Cities digital communications network proposal.

Adjourn:

The Board of Directors adjourned at 2:45.