

Resolution – HPTE #159 (As Amended)

Adoption of Revised Toll Schedule for I-25 Managed Lanes and Proposed Toll Schedule for U.S. 36 Managed Lanes and Approval of Increased Civil Penalty for I-25 and U.S. 36 Managed Lanes

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 such innovative means of financing projects include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

WHEREAS HPTE has entered into a Concession Agreement for US 36 and the I-25 Managed Lanes dated June 27, 2013, as amended and restated on February 25, 2014 and on December 17, 2014 (“Concession Agreement”), in order to implement the Phase 2 Project and the operation and maintenance of U.S. 36 Phase 1 Project and the I-25 Managed Lanes; and

WHEREAS pursuant to the Amended and Restated Concession Agreement, the Concessionaire currently operates and maintains the I-25 Managed Lanes on the reversible lane portions of Interstate 25 from mile post 211.8 to 217.8 and at the interchange of I-25 and US 36 westward along US 36 to mile post 52.9 (“I-25 Managed Lanes”) and will operate and maintain both the U.S. 36 Managed Lanes Phase 1 and 2 upon their completion (“U.S. 36 Managed Lanes”); and

WHEREAS the HPTE Board of Directors has the authority to establish user fees for the privilege of using surface transportation infrastructure, including the I-25 and U.S. 36 Managed Lanes, pursuant to Section 43-4-806(2)(c)(I), C.R.S.; and

WHEREAS pursuant to Schedule 16 of the Amended and Restated Concession Agreement, the Concessionaire has the authority to request that the HPTE Board of Directors set and adjust the user fees charged to users of both the I-25 and U.S. 36 Managed Lanes; and

WHEREAS the Concessionaire submitted to HPTE a request to revise the existing user-fee schedule for the I-25 Managed Lanes and set an initial user-fee schedule for the U.S. 36 Managed Lanes Phase 1 (“Toll Schedules”) and the HPTE Board has reviewed the proposed Toll Schedules and considers the rates set out therein to be appropriate; and

WHEREAS in accordance with the terms of the Amended and Restated Concession Agreement and consistent with its statutory powers, the HPTE Board of Directors

desires to update the existing fees charged to users of the I-25 Managed Lanes to be consistent with the Toll Schedule, which schedule is attached hereto; and

WHEREAS pursuant to Section 43-4-808, C.R.S., the HPTE Board also has authority to establish a civil penalty for toll evasion not to exceed \$250; and

WHEREAS pursuant to Schedule 16 of the Amended and Restated Concession Agreement, the Concessionaire may request that the HPTE Board increase the civil penalties for toll evasion on the I-25 and U.S. 36 Managed Lanes; and

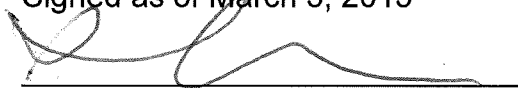
WHEREAS Concessionaire has requested that the HPTE increase the civil penalty for toll evasion from the current \$46 to \$250 for the I-25 Managed Lanes and both phases of the U.S. 36 Managed Lanes, Phases 1 and 2; and

WHEREAS the HPTE has considered the Concessionaire's request to increase the civil penalty and the reasons behind this request and considers \$250 to be an appropriate civil penalty for these lanes.

NOW THEREFORE BE IT RESOLVED: The High Performance Transportation Enterprise Board of Directors hereby adopts the user-fee rates for the I-25 Managed Lanes set forth in the Revised Toll Schedule effective March 16, 2015, deferring action on the user-fee rates for the US 36 Express Lanes Phase 1 set forth in the Revised Toll Schedule until additional public outreach has been conducted.

BE IT FURTHER RESOLVED: the High Performance Transportation Enterprise Board changes the civil penalty, and updates any existing HPTE policy regarding toll evasion civil penalties, for the I-25 Managed Lanes and U.S. 36 Lanes, Phase 1 and 2, from \$46 to \$250.

Signed as of March 3, 2015



Sharon Williams
Secretary, HPTE Board of Directors