

Resolution – HPTE #318

Approving an Intra-Agency Agreement with CDOT for the I-270 Traffic and Revenue Study

WHEREAS, pursuant to § 43-4-806, *et seq.*, 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, pursuant to § 43-4-806(6)(g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership, including, but not limited to, an agreement in which the enterprise, on behalf of CDOT, provides services in connection with a surface transportation infrastructure project; and

WHEREAS, HPTE is also empowered, pursuant to § 43-4-806(6)(h), C.R.S., to make and enter into all other contracts and agreements that are necessary or incidental to the exercise of its powers and performance of its duties; and

WHEREAS, CDOT acknowledges that HPTE possesses expertise and legal powers unavailable to CDOT, which enable it to accelerate the development and delivery of critical surface transportation infrastructure projects; and

WHEREAS, CDOT has identified Interstate 270 (“I-270”) as part of its “Your Transportation Priorities” project to address the operational and infrastructure issues that hamper travel time reliability, safety, and mobility on one of Colorado’s key corridors; and

WHEREAS, as part of CDOT’s development plan in Region 1, CDOT desires for HPTE to implement a traffic and revenue study (the “T&R Study”) to evaluate the feasibility of tolling I-270 based on revenue generation and traffic demand management as a means to shrink the existing funding gap; and

WHEREAS, previously, HPTE has selected and commissioned contractors to complete traffic and revenue studies for several of CDOT’s corridors, including, but not limited to, the Interstate 70 Mountain Corridor Project, the Interstate I-25 “Gap” Project, the C-470 Express Lanes Project and State Highway 119; and

WHEREAS, conversely, HPTE acknowledges that CDOT possesses design expertise unavailable to HPTE, which enable it to plan for the development and delivery of critical surface transportation infrastructure projects; and

WHEREAS, the Board has reviewed the Intra-Agency Agreement, including the recitals thereto, and by this resolution accepts and confirms the findings and statements contained therein; and

WHEREAS, the Board has also reviewed the Scope of Work attached as Exhibit A and Exhibit B to the Intra-Agency Agreement, and finds the services set forth to be within HPTE's expertise and the compensation amounts set forth therein to constitute fair and reasonable compensation for the services to be provided by HPTE to CDOT and vice versa; and

WHEREAS, in order to further the efficient completion of surface transportation infrastructure projects necessary to CDOT's development of an integrated transportation system: (1) CDOT desires that HPTE utilize its expertise to provide the T&R Study, in exchange for which CDOT agrees to compensate HPTE in the amounts set forth in the HPTE Scope of Work; and (2) HPTE desires to contribute financially to Region 1 an alternatives analysis for direct connects on I-270, in exchange for which HPTE agrees to compensate CDOT in the amounts set forth in the CDOT Scope of Work.

NOW THEREFORE BE IT RESOLVED, that the Board of the High Performance Transportation Enterprise hereby approves the Intra-Agency Agreement with CDOT for the I-270 Traffic and Revenue Study.

BE IT FURTHER RESOLVED, that the HPTE Board authorizes the HPTE Director to approve and execute the Intra-Agency Agreement and, in accordance with HPTE's bylaws and subject to any amendments thereto by the Colorado Office of the State Controller, to approve and enter into any amendments that do not exceed the estimate of available funds approved for the fiscal year by the Board, or cause a diminution in the same.

Signed as of February 19, 2020

Simon Logan
Secretary, HPTE Board of Directors