



COLORADO

Department of Transportation

Office of the Executive Director

RELEASE MEMORANDUM

TO: All CDOT Employees

FROM: Shoshana M. Lew, Executive Director
Herman Stockinger, Deputy Executive Director & OPRG Director

RE: Updated Procedural Directive 1601.1 “Requests for Interchange Access and Modifications to Existing Interchanges on the State Highway System”

DATE: June 13, 2022

1. Name of Updated Procedural Directive:
Procedural Directive 1601.1 “Requests for Interchange Access and Modifications to Existing Interchanges on the State Highway System.”
2. Executive Summary:
Procedural Directive 1601.1 was last updated in 2005 and sets forth the process for requests for new interchanges and major improvements to existing interchanges. On April 15, 2021, the Transportation Commission adopted the updated Policy Directive 1601.0 “Interchange Approval Process” that clarified the three types of interchange proposals and added new Transportation Demand Management (“TDM”) requirements to preserve the overall functionality and operability of the state highway system. Accordingly, Procedural Directive 1601.1 required an update to include TDM requirements, including a TDM scorecard and a project-specific TDM plan. Additionally, the updated Procedural Directive adds the following elements:
 - Guidance encouraging an applicant to develop a comprehensive integrated TDM strategy when multiple interchanges are proposed along the same interstate corridor within a condensed distance and timeframe.
 - Definitions for Regionally Significant Project.
 - Consideration of Greenhouse Gas Mitigation Policy Directive 1610.0 and the inclusion of GHG mitigation strategies.
 - A process to consider allowing applicants to implement alternative TDM strategies to achieve the required average daily traffic reduction.
3. Offices to Contact with Questions:
The Office of Policy and Government Relations at sari.weichbrodt@state.co.us.
Division of Transportation Development at aaron.willis@state.co.us or 303.512.4019.
4. Effective Date of Updated Procedural Directive: June 7, 2022



COLORADO DEPARTMENT OF TRANSPORTATION		<input type="checkbox"/> POLICY DIRECTIVE <input checked="" type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Requests for Interchange Access and Modifications to Existing Interchanges on the State Highway System		Number 1601.1
Effective 6/7/2022	Supersedes 09/08/05	Originating Office Division of Transportation Development

I. PURPOSE

The Transportation Commission of Colorado (the Transportation Commission) has directed in Policy Directive 1601.0 that all requests for new interchanges and major improvements to existing interchanges be reviewed and evaluated in a fair and consistent manner; that sufficient information be available to make an informed decision; and that duplicative analytical, regulatory, and procedural requirements be minimized. To that end, this Procedural Directive provides guidance that encourages the integration of the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) environmental and access permitting and approval procedures into the 1601 interchange approval process. The integration of these procedures can reduce unnecessary duplication, while still complying with applicable requirements.

The Transportation Commission recognized that each request has unique circumstances and directed that the Procedural Directive ensure a level of analysis appropriate to the circumstances surrounding each proposal. Therefore, this Procedural Directive provides increased latitude to the Chief Engineer to determine the appropriate level of analysis at each step in the process and describes different approval procedures for three (3) different categories of proposals as outlined within the definitions section of these procedures.

It is the intent of this Procedural Directive that the analysis completed through this Procedural Directive serve as the Interchange Management Plan required under the Colorado State Highway Access Code, 2 CCR 601-1, and be an integral part of the applicable required NEPA and FHWA analyses.

Finally, to clarify expectations and reduce the likelihood of misunderstanding by both CDOT and the applicant, this Procedural Directive requires the development of an initial Intergovernmental Agreement that identifies the procedural, timing, and cost expectations for any proposal.

II. AUTHORITY

Executive Director, § 43-1-105, C.R.S.

Chief Engineer, § 43-1-110, C.R.S.

Policy Directive 1601.0 “Interchange Approval Process”

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III. DEFINITIONS

“Interchange” - a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two (2) or more roadways at different grades and provides directional ramps for access movements between the roadways. Interchanges vary from single ramps connecting to local streets or transit facilities to complex and comprehensive layouts.

“Freeways” - Highways that meet the functional classification definition of freeway. Please reference the CDOT's website – Straight Line Diagram at:
<http://dtdapps.coloradodot.info/otis/Sld>

“Access Code” - State of Colorado State Highway Access Code, Colorado Code of Regulations 2 CCR 601-1, as adopted and amended by the Transportation Commission.

“Cost Sharing Agreement” – An agreement, proposed by a non-CDOT applicant, to share costs of an interchange or interchange modification with CDOT.

“Environmental Stewardship Guide” – Transportation Commission adopted document that outlines CDOT’s environmental ethic as well as the policies and procedures used to carry out that ethic. The guide is available online at:
<https://www.codot.gov/programs/environmental/resources/guidance-standards/cdot-environmental-stewardship-guide-nov-2017>

“NEPA” – National Environmental Policy Act of 1969, the national charter for protecting the environment, 42 U.S.C. § 4321 *et seq.*

“Regional Transportation Plan” – the fiscally constrained long-range regional transportation plan adopted by Metropolitan Planning Organizations (MPOs) or Transportation Planning Regions (TPRs).

“Regionally Significant Publicly Owned Facility” – A major facility owned by a unit of government, such as a major athletic or cultural facility, that serves a majority of vehicle trips from throughout the larger region.

“Regionally Significant Roadway” - A roadway classified as a principal arterial or higher classification in the most recently adopted MPO Regional Transportation Plan, or, in non-MPO areas, if the roadway has been identified as regionally significant within an adopted Regional Transportation Plan, NEPA/environmental study, feasibility study, corridor optimization plan, or access management plan on which CDOT staff has participated and the Chief Engineer finds acceptable.

“Transportation Demand Management” (TDM) – assists the traveling public by offering access to multiple transportation modes through strategies like promoting increased transit, integrating

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with mobility hubs, ridesharing, walking, biking, and teleworking in order to reduce reliance on travel in a single-occupant vehicle.

“Type 1 Improvements” - Consists of two categories: (1) proposals for new interchanges on the state highway system with a functional classification of Interstate or Freeway; and (2) any type of proposal on the state highway system not initiated by CDOT that anticipates CDOT cost-sharing participation. Type 1 improvements must be approved by the Transportation Commission.

“Type 2 Improvements” - Proposal for new interchange not on the Interstate System or Freeway System and all modifications or reconfigurations to existing interchanges. Type 2 improvements must be approved by the Chief Engineer. The applicant may appeal the Chief Engineer’s decision to the Transportation Commission, or the decision may be reviewed by the Transportation Commission on its own motion.

“Type 2a Improvements” – A minor interchange improvement that will have little or no impact to the state highway system or surrounding local transportation system, consistent with the definitions and guidance provided in the FHWA Colorado Division Guidance on Minor Interchange Modifications Requests (Appendix E). Type 2a approvals are delegated by the Chief Engineer to the Region Transportation Director.

IV. APPENDICES

Appendix A: Policy Directive 1601.0

Appendix B: 2 CCR 601-1 “State Highway Access Code”, Rule 2.3(5) (Traffic Impact Studies)

Appendix C: FHWA Policy on Access to Interstate System (effective May 22, 2017)

Appendix D: FHWA Colorado Division Control of Access to the Interstate and its Right-of-Way (effective February 2005)

Appendix E: FHWA Colorado Division Guidance for the Preparation of a Minor Interchange Modification Request (effective February 2005)

Appendix F: FHWA Colorado Division Guidance for Temporary Construction Access on the Interstate (effective February 2005)

Appendix G: Sample Initial and Final Intergovernmental Agreements

Appendix H: Sample System Level Study Approval Resolution A

Appendix I: Sample Transmittal Memo to Chief Engineer for Type 2 Interchange Requests

Appendix J: Process Flow Chart

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Appendix K: System Level Study Guidance

Appendix L: 2 CCR 601-1 “State Highway Access Code”, Rule 2.13 (Interchange Management Plans)

V. PROCEDURES

A. Principles: In accordance with Policy Directive 1601.0, the procedures included in this Procedural Directive should be followed when considering a potential 1601 application.

1. Due to the long-term financial commitments and other legal limitations associated with the requirements of this Procedural Directive, only governmental or quasi-governmental entities or agencies (which includes political subdivisions and quasi-governmental entities such as special districts, public highway authorities such as E-470 and NW Parkway, and regional transportation authorities) may be an applicant under this process.
2. Applicants must notify the Region Transportation Director for the applicable CDOT Region and the applicable Transportation Planning Region of their desire to initiate development of a new interchange or major improvements to an existing interchange. The applicable CDOT Region Transportation Director will serve as the point of contact for all 1601-related issues.
3. The CDOT Chief Engineer has approval authority for all 1601-related Intergovernmental Agreements (IGAs).
4. The CDOT Chief Engineer shall provide an annual report to the Transportation Commission summarizing the number, type and location of all 1601 interchange applications initiated over the previous year, the cost to CDOT of processing the applications, the reimbursement received from the applicants, the distribution of the costs and responsibilities identified in IGAs finalized in the previous year, other pertinent information and any recommended changes in the policy or procedures.

B. Interchange Requests Initiated By CDOT

1. Interchange requests initiated by CDOT are often identified and evaluated through the NEPA/project development process. The information and analysis developed during the initial stages of the NEPA effort should be used to supplement the System Level Study presented to the Transportation Commission (Type 1 requests) or Chief Engineer (Type 2 requests), as appropriate.
2. Type 1 interchange requests, and when the Region chooses to submit a separate System Level Study prior to submission of the NEPA document to the Chief Engineer for consideration, should consist of a technical memorandum clearly summarizing:
 - a) the purpose and need for the project,
 - b) the range of alternatives considered,

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- c) the criteria used to evaluate the alternatives (consistent with Step 3 of this Procedural Directive),
 - d) public comment received to date,
 - e) the results of the screening,
 - f) the preliminary financing plan, and
 - g) recommended “reasonable” alternative(s) that meet the purpose and need for the project and should proceed to the next levels of evaluation in the NEPA process.
3. Type 2 system interchange requests initiated by CDOT may combine the System Level Study with the NEPA document prepared in compliance with the CDOT Environmental Stewardship Guide and submitted for approval by the Chief Engineer.

C. Interchange Requests Initiated by Governmental or Quasi-Governmental Entities or Agencies

1. STEP 1: 1601 Pre-Application Meeting(s)

Applicants are required to have a pre-application project scoping meeting, or a series of pre-application meetings, with the appropriate CDOT Region representatives to determine the scope, anticipated process, and schedule for any proposed interchange project. A process flowchart is attached as Appendix J. The following are the preferred sequence of steps for the 1601 interchange approval process. Any adjustments to this preferred sequence should be discussed at the pre-application meeting. CDOT staff from the following offices should participate in the pre-application meeting with the applicant: program and project engineer, traffic, planning, environmental, access, MPO/TPR staff and other parties as deemed appropriate by the Region Transportation Director. FHWA shall be invited to participate when an access request affects the Interstate System or when there is the potential to use federal funds. This meeting may also serve as the initial scoping meeting required in the Environmental Stewardship Guide as well as the pre-application meeting to discuss compliance with the Access Code.

The purpose of the pre-application meeting(s) is to:

- a) Determine whether the proposed interchange is consistent with Transportation Commission Policy Directive 1601.0 regarding connections to the state highway system.
- b) Identify significant issues: Evaluate the general feasibility of a proposed project, including early identification of any anticipated operational, environmental, air quality conformity, access management, public concern, and other technical and/or controversial issues. CDOT staff will determine if any recently adopted and/or approved corridor optimization plans, access control plans or other related studies which CDOT staff deems relevant to the potential application can contribute to the analysis required for the application. The applicant should be aware that FHWA has issued guidance on temporary interstate access during construction (see Appendix F).

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- c) Plan consistency: Review the proposed project for consistency with the Regional Transportation Plan and the Statewide Long Range Transportation Plan.
- d) Identify the Improvement type: Type 1, 2, 2a and the appropriate scope of study required for the System Level Study will be determined at the pre-application meeting. The appropriate level of detail and effort will be determined at the pre-application meeting depending on the type and complexity of the interchange proposal. For new interchanges and major interchange modifications, CDOT will expect the applicant to analyze the proposed improvement using the Policy on Access to the Interstate System (Appendix C).
- e) Initial determination of NEPA category: CDOT staff will provide an initial assessment of whether the proposal should be classified as a Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement as well as any other permits that may be required. This initial assessment is subject to revision and modification if additional environmental issues arise.
- f) Identify access permitting requirements: CDOT staff will outline access permitting procedures and circumstances when modifications to existing access permits are necessary. Special emphasis will be placed on ensuring the project applicant understands any Access Code requirements and an Interchange Management Plan is required for any proposed new interchanges, whether Type 1 or Type 2. Interchange Management Plans require approval from the Chief Engineer.
- g) Discuss the cost of application processing: The applicant is responsible for all costs associated with the preparation and processing of the application. An initial estimate of CDOT costs associated with application review and processing should be prepared by the Region and provided to the applicant following this step in the process.
- h) Discuss FHWA consultation and involvement: The FHWA representative shall be consulted to determine if the proposal requires federal involvement and if so, the necessary level of detail and the most appropriate time to submit a formal request for a determination of engineering and operations acceptability. Additionally, regarding access control to the Interstate and its right-of-way, CDOT staff will determine FHWA involvement consistent with Appendix D.
- i) The applicant will implement traffic reduction or TDM strategies to preserve the long-term functionality of the constructed interchange improvement. TDM requirements apply to new Type 1 and Type 2 interchange proposals. The proposed TDM improvements will be included for analysis in the System Level Study. At the discretion of the Chief Engineer, TDM strategies would apply to all Type 2 interchange modifications on Interstate facilities where the current Level of Service (LOS) is an “F”, for the current year, during peak hours for the mainline in at least one direction of travel as identified in the System Level Study. Additionally, TDM strategies would be required for Type 2 interchange modifications if the LOS is

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predicted to be at level “F” at the 20-year design year timeframe under a no-build scenario.

As a goal, the recommended TDM strategies should result in a 3% or greater average daily traffic (ADT) reduction for the preferred alternative in MPO Boundary Areas and a 1% or greater ADT reduction for the preferred alternative outside the MPO Boundary Areas. The reduction threshold goal shall be calculated from the opening day of the new facility, or 5-years from opening day, if the TDM strategies are implemented on a phased schedule for traffic conditions with the assumption that the interchange improvements have been built. The trip reduction goal applies to the traffic volumes for the interchange ramps (all movements) as identified in the System Level Study. The 3% ADT reduction threshold would apply for Type 2 interchange modifications.

The trip reduction goal applies to the new interchange ramps for opening day (or 5 years if TDM strategies are implemented with a phased approach) as identified in the System Level Study. The applicant shall demonstrate how the project will achieve this goal by implementing a strategy or set of strategies identified in the TDM scorecard corresponding to the scoring range for the interchange type and location. If TDM strategies are implemented incrementally, the reduction goal should be set at an interim point (5-years after opening day) and a design year of 20-years.

CDOT staff and the applicant will agree upon whether the proposed interchange is located inside or outside of an MPO Boundary Area. Additionally, consideration will be given in instances where the proposed interchange is located in a rural area that is adjacent to an MPO Boundary Area. For proposed interchanges outside of the MPO Boundary Area but within a census designated Urbanized Area (UZA) area, the Chief Engineer will consider if the MPO Boundary area scoring range would apply.

The applicant may appeal to the Chief Engineer for a waiver or reduction of the required TDM strategies. That determination may be made based on the following factors:

- (i) The project interchange is being installed for access to a freight transfer or intermodal facility and TDM strategies would have minimal effectiveness on ADT at the proposed interchange location.
- (ii) The project interchange is being installed in an area that already has functioning TDM strategies, capable of sufficiently reducing future traffic demand at the interchange location.
- (iii) The project interchange is being installed in a rural area to improve safety and resiliency of the overall system, and by its rural nature, is not conducive to TDM strategies at the interchange. In such cases, exemptions or corridor-based TDM strategies may be considered as identified in the rural area consideration section.

CDOT staff and the applicant will use the TDM scorecard to identify a range of appropriate TDM strategies to implement and help to achieve the desired traffic reduction goal. The TDM scorecard is consistent with the [Statewide Transportation Demand Management Plan \(2019\)](#) and can be used to arrive at the following scoring goals based on the following types of interchange improvements:

<i>Interchange Improvement Type</i>	<i>MPO Boundary Area / Rural Area</i>	<i>Scoring Range (Total Points)</i>
Type 1 (New Interchange /Interstate System)	MPO Boundary Area	100-80
Type 1 (New Interchange /Interstate System)	Rural Area	80-60
Type 2 (New Interchange / State Highway System)	MPO Boundary Area	80-50
Type 2 (New Interchange / State Highway System)	Rural Area	60-40
Type 2 Modification (Interstate System)	MPO Boundary Area	70-50

CDOT recognizes that TDM strategies can be challenging to implement in parts of the state with low population density and that are rural in nature. To that end, when an applicant is seeking a waiver or reduction of the TDM requirements, staff will consider a rural area waiver or reduction in certain areas of the state where rural low-density areas fall both within and outside of MPO boundary areas. Therefore, if the proposed interchange is located in a census-defined rural area, and none of the interchange specific strategies identified in this Procedural Directive are deemed effective, CDOT will consider the following TDM approach:

- (i) If an existing Planning and Environmental Linkage (PEL), NEPA Study or other type of transportation planning study has been adopted that includes the

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proposed interchange location, and that study also includes TDM strategies within the same corridor, the applicant could implement those strategies and receive the corresponding TDM scoring point value.

(ii) TDM strategies identified in the PEL, NEPA, or planning study should be within the same MPO boundary area, if applicable, and within the project study area as identified in the System Level Study. TDM strategies must be identified in a planning study that has been approved within the last 5 years prior to the pre-application meeting.

Regionally Significant Project Definition:

(i) Type 1 Interchange proposals are considered regionally significant projects consistent with the definition found in the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions – 2 CCR 601-22 (Planning Rules).

(ii) Type 2 Interchange modifications that add capacity and new interchanges on non-interstate facilities are regionally significant projects found in the Planning Rules.

(iii) Type 2a Interchange modifications would not be considered regionally significant projects.

2. STEP 2: Initial Inter-Governmental Agreement Approval (IGA)

The Region Transportation Director must approve the progression of any application to Step 2.

a) The applicant is responsible for all costs associated with the development, administration, and evaluation of proposals for new interchanges or modifications to existing interchanges.

b) An initial IGA must be developed for Type 1 and 2 improvements and may be developed for a Type 2a improvement at the discretion of the Region Transportation Director. If an IGA is developed, then the IGA must address responsibility for:

- (i) Anticipated improvement type – Type 1, 2, or 2a.,
- (ii) Anticipated administrative and application costs,
- (iii) Anticipated analytical procedures, including identification of existing applicable studies,
- (iv) Anticipated level of design detail,
- (v) Anticipated schedule,
- (vi) NEPA category,
- (vii) Consistency with Regional and Statewide Plan(s),
- (viii) Access Permitting Requirements,

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- (ix) Other necessary issues identified in the pre-application scoping meeting in Step 1, and
- (x) Responsible party and funding source(s) to implement the required Project Specific TDM Plan.

A sample IGA is included in Appendix G.

3. STEP 3: System Level Study (SLS) Preparation and Interchange Management Plan

- a) A System Level Study and Interchange Management Plans are required for both Type 1 and Type 2 proposals. See System Level Study guidance in Appendix K
- b) Type 2a proposals do not require a System Level Study but should have sufficient data to substantiate the determination of “no potential for significant impact.” Type 2a projects are evaluated in accordance with the FHWA Minor Interchange Modification Request Criteria (Appendix E) and any other procedures necessary to address specific characteristics of the proposal as determined by the Chief Engineer and Region Transportation Director.
- c) The purpose of the System Level Study is to identify the short-term and long-term environmental, community, safety, and operational impacts of the proposed interchange, or interchange modification, on the state highway system and surrounding transportation system to the degree necessary for the Transportation Commission, Chief Engineer, and/or the FHWA as appropriate, to make an informed decision whether a proposed new interchange or interchange modification is in the public interest.
- d) The design years for the System Level Study shall be the anticipated opening year of the proposed interchange and the year of the applicable long range transportation plan.
- e) The System Level Study should include substantive information necessary to identify the general location of the proposed improvement and a reasonable range of improvement alternatives necessary for the Chief Engineer and Transportation Commission to make an informed decision on whether to proceed with consideration of the proposed improvement. The data and analysis used to support the System Level Study should be used as appropriate in subsequent analysis and evaluation procedures, such as NEPA, access permitting, and FHWA Interchange Acceptability Review requirements.
- f) The Chief Engineer and/or the Transportation Commission will inform the applicant if the System Level Study contains sufficient data and analysis to make an informed decision.
- g) See Appendix K for more detailed guidance on the System Level Study.

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h) The System Level Study must address the following requirements:

(i) FHWA Interchange Access Modification Request and Acceptability:

As of May 2017, FHWA has updated the Policy on Access to the Interstate System (see Appendix C). The policy focuses on the technical feasibility of any proposal change in access in support of FHWA's determination of safety, operational, and engineering acceptability. CDOT is allowed to submit one technical report describing the types and results of technical analyses conducted to show that the change in access will not have significant negative impact on the safety and operations of the Interstate System. FHWA will rely on the information developed for NEPA reviews to account for the social, economic, and environmental impacts of the change in access. FHWA will consider and analyze information regarding the technical feasibility of the change in access as a separate review. FHWA's determination of acceptability, along with the supporting information, will be included as an appendix to the NEPA documentation.

(ii) Environmental Analysis Documentation: Unless otherwise determined by CDOT staff during the pre-application phase, the applicant should include in the System Level Study a screening level evaluation of all reasonably appropriate alternatives for the location of the proposed interchange.

The System Level Study should include the draft purpose and need for the proposed interchange/modification and summarize, at a screening level, any potentially significant environmental implications for the range of possible alternatives evaluated in the System Level Study.

Public involvement and agency coordination activities related to the proposal that have occurred prior to initiation of this process should be summarized and documented in the System Level Study report. This public involvement and systems level environmental analysis and documentation should be incorporated into and support the subsequent appropriate NEPA document.

(iii) Access Code Analysis: In addition to the analyses necessary to support the items above, analysis necessary to comply with the traffic impact study required under the Access Code should be incorporated into the System Level Study. If this is done, the System Level Study may be used as the traffic impact analysis study required under the Access Code (Appendix B includes the requirements for a Traffic Impact Study required under the Access Code).

(iv) Preliminary Financial Plan: The System Level Study must include a preliminary financial plan that identifies all sources of funding necessary to construct the proposed improvement, as well as the costs, and responsibility, for design, right of way acquisition, construction, mitigation, operations,

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maintenance, and replacement of all components of the proposed interchange, as well as the proposed ownership of all components associated with the proposal. The financial plan should discuss the effect of proposed funding on the fiscally constrained Regional Transportation Plan.

i) Interchange Management Plan: The Interchange Management Plan should consider local agency public improvement plans, capital improvement plans, and metro districts and should consider implementation timeframe or illustration of phasing. The Interchange Management Plan should illustrate the support for local roadway network. See Appendix L.

j) In instances where multiple interchanges are being proposed along the same interstate corridor, within one (1) to three (3) miles of each other, and that are expected to be constructed within one (1) to five (5) years, CDOT recommends the development of a comprehensive integrated TDM strategy. CDOT defines a comprehensive integrated TDM strategy as a set of recommended strategies that consider the current and anticipated development at each interchange, how proposed TDM strategies can help reduce trips at each interchange location, and analyzes how strategies integrate with already existing TDM infrastructure and programs. TDM strategies shall address both local trips and regional trips which impact VMT on the highway and interchange, respectively. The applicant is encouraged to consider any available TDM plans developed by the local MPO, city, county, transit agency, or Transportation Management Organization (TMO) during the development of the integrated TDM strategy. Coordination may need to take place between different applicants in the development of a comprehensive integrated TDM strategy. Participation and coordination among multiple applicants in a corridor-level comprehensive integrated TDM strategy does not change or link the approval process for individual applicants.

k) TDM Requirement

CDOT recognizes that local conditions combined with complex TDM strategies may make it difficult for a traffic model to accurately estimate trip reductions due to implementation of TDM. To that end, CDOT has developed the following TDM scorecard that identifies numerous strategies. Strategies with higher point levels provide a higher probability of an applicant reaching the stated goal for the proposed interchange improvement. The point values are intended to serve as a guide and the applicant must still demonstrate how the proposed strategies will achieve the stated reduction goal. The selection of these strategies serves as a good faith effort by the applicant to achieve the stated traffic reduction goal for the proposed interchange improvement.

(i) TDM Strategy Scorecard:

** Complimentary or supportive strategies that should be combined with existing TDM programs or other proposed TDM strategies that have a higher point value.*

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TDM Strategies	Points	Time Commitment of Strategy
<p>Mobility Hubs – The mobility hub will include two (2) or more transit services/multimodal options available. The applicant will be responsible for the construction of the mobility hub site and funding for two (2) or more multimodal services or multimodal options for 5 years.</p> <p>The applicant should not have an expectation of Bustang (or CDOT sponsored regional transit service) or CDOT funding for any proposed mobility hub projects.</p> <p>Mobility hubs should be consistent with the most recent Statewide Transportation Plan and Statewide Transit Plan and the CDOT Mobility Hub Guidebook.</p>	80	Maintenance of the facility in perpetuity
<p>Shuttles, Feeders, and Paratransit - A public or privately operated shuttle service that serves the new development located at the new interchange. This may include fixed route, deviated fixed route and call and ride services.</p>	80	5 Years
<p>Vanpool Programs*- A vanpool program that provides service to the development located at new interchange.</p>	80	5 Years
<p>Mixed-Use/Development - The new interchange is constructed within a high-quality pedestrian-friendly environment with transit-oriented development features and is identified and approved in a local comprehensive plan.</p>	80	Maintenance in perpetuity

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Intercity Transit – Transit improvements include a new applicant-sponsored service that serves the development at the new interchange. The new transit service could be implemented on adjacent or parallel facilities if that approach is determined appropriate by CDOT staff and the applicant.	80	5 Years
Comprehensive ITS Solution – Examples include congestion-reducing adaptive signal optimization, connected vehicles, transit signal priority, count stations, ramp meters, and closed caption television cameras to monitor the traffic and safety of all modes.	80	Maintenance in perpetuity
Parking Management - Located at the new interchange at business parks, commercial retail locations, or residential communities; the applicant will consider free parking for vanpools and carpools and paid parking for employees.	60	10 Years
Bus Only Lanes, Transit Queue Jumps, Bus Slip Ramps - Facilities can be either on-system or off-system and can be built on adjacent or parallel facilities if CDOT staff and the applicant determine that is the preferred approach for improved connectivity.	60	Maintenance in perpetuity
Local Transit – The expansion of local transit must serve any new development that will be located at the new interchange location.	60	5 Years

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Park-and-Ride Lots – Applicant would include a park-and-ride as a part of the interchange proposal.	50	Maintenance in perpetuity
Creation of a Transportation Management Organization (TMO) or Transportation Management Association (TMA) or financial participation in an existing TMO or TMA that would implement the TDM strategies.	50	3-5 Years
School Pool Program – The applicant can implement this program for either K-12 or Higher Education locations or both.	50	3 Years
CV & AV (Connected Vehicle and Autonomous Vehicle) Readiness Projects – Examples include implementing a fiber network, Real-time driver information, etc.	50	Maintenance in perpetuity
Telecommuting (Remote Work) Program – A telecommuting program offered to employees located at the businesses at the new interchange location. The telecommuting program could be managed by a TMO/TMA or MPO.	40	5 Years
Bicycle and Pedestrian Facilities – The interchange proposal would include infrastructure such as bike lanes, bike trails, multi-use trails, sidewalks, or a pedestrian overpass. Bike and pedestrian improvements can be built, at the new interchange location or on adjacent or parallel facilities, if CDOT staff and the applicant determine that is the preferred approach for connectivity or safety reasons.	40	Maintenance in perpetuity
Regional Ridesharing Programs - including carpool matching and vanpool programs that could be provided by a MPO or	40	5 Years

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TMA/TMO. Please note that this strategy does not include Transportation Network Companies.		
Car-Sharing – A partnership with a car-sharing service provider that would serve the development at the new interchange and include designated car-share parking spaces.	40	5 Years
Micro-Mobility Sharing Programs - including bike-sharing, scooter-sharing, and E-bikes that would be located at the businesses at the new interchange location.	40	3 Years
Conventional Transit Service Upgrades - This may include operational improvements such as bus signal queue jumps or infrastructure improvements such as covered bus shelters.	40	Maintenance in perpetuity
Modal Subsidies and Vouchers - Examples include RTD Eco-passes or vanpool program subsidies.	40	5 Years
Transportation Management Organization's Participation – Applicant becomes a financial participant or member of an already established TMA/TMO.	30	3 Years
Event-Related TDM Program* – Examples include Winter or Summer Bike to Work Day, Alternative Mode Challenge Programs and Incentives, and include three (3) or more events held per year.	30	5 Years

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Bicycling to Work - Implementation of a Bike to Work Day event or program.	20	5 Years
Variable Work Hours – Implementation of variable work hours program for employees located at the businesses at the new interchange.	20	5 Years
Guaranteed Ride Home* - Implementation of the Guaranteed Ride Home Program for employees who commute by alternative modes.	20	5 Years
Bike and Pedestrian Supporting Infrastructure - Infrastructure like bike repair station or E-Bike chargers, bike parking, bike lockers, and/or bike shelter.*	10	Maintenance in perpetuity
Applicant funds staff position to implement TDM program	10	3 Years
Education and promotions of the recommended TDM strategies and programs*	10	3 Years

(ii) The applicant will pair one (1) or more of the TDM strategies to meet the desired scoring range of the respective interchange improvement type. Applicant and CDOT staff are encouraged to use the TDM strategy list to determine appropriate TDM strategies. If the applicant proposes an additional TDM strategy, which is not listed on the scorecard, the applicant will analyze the strategy for its potential to reduce ADT and improve LOS and provide this assessment to CDOT. CDOT will then decide and assign a point value to the proposed TDM strategy.

(iii) Project-Specific TDM Plan

Upon review of the proposed TDM scoring goal and strategy scorecard, the applicant will develop a project-specific TDM plan, as a part of the System Level Study, which will demonstrate how the selected TDM strategy/strategies will achieve the appropriate target goal. The applicant is expected to put forth a good faith effort in developing a project-specific TDM plan that includes the following elements:

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- (1) Explanation of the proposed TDM strategy or strategies. If the applicant selects more than one (1) strategy, the applicant will include a discussion on how those strategies function together and provide co-benefits.
- (2) Inclusion of the TDM strategy in the interchange design, if applicable.
- (3) Explanation of how proposed TDM strategies will function within the context of the proposed new interchange improvement.
- (4) TDM strategy implementation schedule.
- (5) Explanation of how the proposed TDM strategies will function to complement existing TDM programs and infrastructure to ensure that the proposed TDM improvements do not detract from or serve as a replacement for existing TDM strategies. The applicant will include a discussion on how the proposed strategies will coordinate with existing TDM efforts.
- (6) Analysis of how the proposed TDM strategies will achieve the stated goal. This analysis can be performed through traffic modeling or a reasonable estimate developed by a traffic engineer.
- (7) An estimated cost for the proposed TDM strategies and a discussion of the funding sources and the amounts committed from each of the respective sources.
- (8) Description of any marketing or promotion strategies for the proposed TDM improvements.
- (9) If appropriate, the applicant could consider interim TDM strategies that are implemented to improve mobility during construction.
- (10) Identification of responsible parties and partner organizations for TDM implementation and include any agreements in the final IGA.
- (11) The applicant should propose a TDM evaluation framework to identify strategy effectiveness and report TDM performance to CDOT for a minimum of one-year after the opening of the new interchange facility.

The agreed-upon TDM strategies will be included in the final IGA identified in Step 7 of this process.

Applicants should also review the [Greenhouse Gas \(GHG\) Mitigation Policy](#) and should consider the inclusion of GHG mitigation strategies, and coordinate with their local MPO if applicable, in addition to the TDM strategies that satisfy the requirements of the TDM Project Specific Plan. CDOT staff can provide a technical review of the proposal TDM strategies.

If the applicant and CDOT agree that a TDM strategy or set of strategies have not achieved or maintained the 3% ADT reduction after two (2) years of implementation, CDOT may allow the applicant to implement alternative TDM strategies that will achieve the required ADT reduction. The use of an alternate TDM strategy must be renegotiated in the applicable IGA prior to its implementation.

4. STEP 4: Approval of System Level Study

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Approval of the System Level Study does not pre-determine a preferred alternative or screen out other alternatives before the supporting analyses are presented for comment to the public through the appropriate NEPA process (The NEPA public involvement/scoping process should be initiated prior to consideration of the System Level Study by the Transportation Commission or Chief Engineer).

a) Types of Proposals

(i) Type 1 Proposals: The Transportation Commission will take action following consideration of the System Level Study report for Type 1 proposals. If the preferred alternative identified in the environmental document is materially different from that identified in the Type 1 System Level Study approved by the Transportation Commission, the Chief Engineer must consult with the Transportation Commission prior to signing the applicable environmental document. A sample resolution for approval by the Transportation Commission is attached as Appendix H.

(ii) Type 2 Proposals: The Chief Engineer will take action following consideration of the System Level Study report for Type 2 proposals. A transmittal memo to the Chief Engineer is attached as Appendix I. The Chief Engineer may elevate any Type 2 proposal to the Transportation Commission for consideration. The Transportation Commission may review a proposal on its own motion.

(iii) Type 2a Proposals: The Chief Engineer may delegate Type 2a proposals to the Region Transportation Director. No System Level Study is required for a Type 2a proposal.

b) Appeal Chief Engineer's Decision: An applicant may appeal the Chief Engineer's decision to the Transportation Commission only if the applicant alleges the decision is inconsistent with Transportation Commission policy.

c) Approval Conditions: Approvals of the System Level Study by the Transportation Commission or the Chief Engineer are conditioned on:

(i) The proposed interchange being included in the fiscally constrained portion of the applicable Regional Transportation Plan, Transportation Improvement Program, State Transportation Plan and State Transportation Improvement Program. Approval of a 1601 application by the Transportation Commission or the Chief Engineer does not ensure incorporation of the proposed interchange in the fiscally constrained Regional Transportation Plan by the corresponding MPO/TPR;

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(ii) Approval of the applicable FHWA interchange access, design, and environmental decision documents by the Chief Engineer and/or FHWA as described in Step 6; and

(iii) Approval of the Final Maintenance and Operations IGA by the Chief Engineer consistent with the financial plan included in the System Level Study report as described in Step 7.

d) Demonstration of Progress: The System Level Study approval lapses if the applicant has not shown significant progress towards implementation within three (3) years of the System Level Study approval. The applicant may submit a written request to the Chief Engineer for a one-year time extension. No more than two (2) one-year extensions may be granted by the Chief Engineer.

5. STEP 5: MPO/TPR Board Approval

a) The applicant shall provide a copy of the System Level Study to the affected MPO/TPR upon completion, for consideration during the regional plan amendment process.

b) The proposed interchange must be consistent with the applicable fiscally constrained Regional Transportation Plan and Transportation Improvement Program (TIP) in air quality non-attainment areas before the environmental decision document can be signed by FHWA or the Chief Engineer.

c) If the project is not already identified in the current Regional Transportation Plan, the applicant should allow for the necessary time for the MPO/TPR to consider regionally significant interchange modifications to the system. The applicant should work with CDOT staff and the applicable MPO/TPR to ensure the plan amendment process is followed and to minimize delays. The plan amendment process may be initiated prior to the approval of the application by the Transportation Commission or the Chief Engineer; however, the final MPO/TPR Board action should not occur until the proposal has been acted on by the Transportation Commission or Chief Engineer.

d) On occasion a Regional Planning Council/MPO may have included an interchange in the fiscally constrained Regional Transportation Plan prior to 1601 consideration by the Transportation Commission or Chief Engineer. In such cases, CDOT should request that the Regional Planning Council explicitly note in the regional plan that:

(i) the interchange must be funded with local dollars; and

(ii) inclusion of the interchange in the plan does indicate support or approval of the interchange by the Transportation Commission or CDOT; and

(iii) the proposed interchange is subject to the requirements of Policy Directive 1601.0, and

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(iv) The proposed interchange mayay not be implemented unless approved in accordance with Policy Directive 1601.0.

6. STEP 6: Design and NEPA Approval Process

Conceptual design and environmental documents must be approved by the Chief Engineer and FHWA as appropriate with the exception of Type 2a improvements that have been delegated by the Chief Engineer to the Region Transportation Director.

The final environmental document must comply with all applicable NEPA requirements and be consistent with the policies and procedures outlined in CDOT's Environmental Stewardship Guide.

Design must be consistent with applicable state standards and specifications and completed to the detail necessary for the Chief Engineer to ensure the safe and functional operation of the interchange through the design year and to ensure that construction, mitigation, operations, maintenance, and ownership agreements are clearly analyzed and documented at a level necessary to support the Design and Operations IGA specified in Step 7.

Final approval of any application will not be given unless the following findings can be made:

- a) Regional/Statewide Transportation Plan: The proposed project is consistent with the fiscally constrained Regional and Statewide Transportation Plan.
- b) Environmental Analysis: The NEPA process has been completed and an appropriate decision document has been approved by the CDOT Chief Engineer (non-federal action) or FHWA (federal action), as appropriate. If the preferred alternative identified in the environmental document is materially different from the Type 1 System Level Study approved by the Transportation Commission, the Chief Engineer must consult with the Transportation Commission prior to signing the applicable environmental document.
- c) FHWA Interchange Access Approval: FHWA has granted final approval of the access for Interstate-related proposals. This may require additional FHWA review after completion of the NEPA decision document.
- d) Access Code: The design report addresses any Access Code related requirements not already addressed in the design, NEPA, or System Level Studies.

7. STEP 7: Final IGA

- a) Upon completion and approval of the final IGA, CDOT will issue a CDOT state highway access permit and a notice to proceed given by the Region Transportation

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Director or delegee. The IGA must define a funding plan which identifies all sources of funding necessary to construct the proposed improvement, the costs and responsibility for design, right-of-way acquisition, construction, mitigation, operations, maintenance, and replacement of all components of the proposed interchange, as well as the proposed ownership of all components associated with the proposal. This funding plan must clearly identify the costs associated with each of the elements identified below, which are the responsibility of the applicant unless otherwise agreed to by the Transportation Commission as documented in the IGA.

(i) The applicant is responsible for all costs associated with construction, operation, maintenance, and replacement of a new interchange on the state highway system at a level sufficient to safely and efficiently handle design year traffic levels.

(ii) In instances where a Cost-Sharing Agreement in a proposed IGA is materially different from the preliminary financial plan approved by the Transportation Commission as part of the System Level Study report, the financial plan must be resubmitted to the Transportation Commission for approval before proceeding to the next step.

(iii) Any funding plan that anticipates federal or state highway funds that are not included in, or are inconsistent with, the adopted State and Regional Transportation Plans, Transportation Improvement Program (TIP) and/or Statewide Transportation Improvement Program (STIP), and the current annual construction budget cannot proceed until the applicable Transportation Plan, TIP and STIP is amended by the MPO and the Transportation Commission, as appropriate, to reflect the changed use of state or federal funds.

b) The applicant must complete a final IGA, consistent with Policy Directive 1601.0, which addresses the following:

(i) Designation of ownership of all physical features and related facilities including but not limited to the following:

- (1) The interchange structure including associated signing, lighting, culverts, etc.
- (2) Right-of-way (ROW) and access management associated with the interchange
- (3) Ramps associated with the interchange
- (4) Other related facilities such as signals, traffic control devices, bike paths, pedestrian facilities, park-n-ride facilities, environmental mitigation, etc.

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(ii) The costs associated with the development and construction of the interchange to standards prescribed by the Chief Engineer, including but not limited to the following categories:

- (1) Completion of all environmental studies and permits
- (2) Costs for any environmental mitigation (including long-term monitoring) identified in the environmental document and applicable permits.
- (3) Access Permit fees
- (4) Preliminary design
- (5) Purchase of any required ROW
- (6) Utility relocation costs
- (7) Final design
- (8) Actual construction costs
- (9) Costs for construction management
- (10) Costs for minimum landscaping
- (11) Costs for landscaping above minimum standards, consistent with mitigation measures identified in the environmental document.
- (12) Costs for minimum lighting
- (13) Costs for lighting above minimum standards
- (14) Traffic control signals and signs
- (15) Additional improvements to the corridor/Future capacity improvements
- (16) Transit Related improvements
- (17) Upgrades or redesigns of the structure in the future
- (18) CDOT staff costs for design reviews, construction inspection and oversight

c) The costs for maintenance activities which are to be conducted as prescribed by generally accepted CDOT practices, including but not limited to the following categories:

Maintenance	Rehabilitation	Replacement
Surface condition on ramps/structures	Resurfacing ramps/structures	Roadway reconstruction on ramps/structures
General maintenance of the structure	Rehabilitation of the structure/painting	Replacement of the structure
Landscaping	Landscaping	Landscaping
Lighting	Lighting	Lighting
Traffic signals/ITS devices	Traffic signals/ITS devices	Traffic signals/ ITS devices
Signs	Signs	Signs
Structure inspection costs		
Utilities	Utilities	Utilities
Drainage	Drainage Rehab.	Drainage Reconstruction
Frontage and service roads	Frontage and service roads	Frontage and service roads
Safety features such as guardrail, etc.	Safety features such as guardrail, etc	Safety features such as guardrail, etc.
Pavement markings	Pavement markings	Pavement markings

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Snow and ice control		
Overall general maintenance such as sweeping, painting, trash pick-up, etc.		
Bike paths, pedestrian, park-n-Ride, etc. facilities	Bike paths, pedestrian, park-n-Ride, etc. facilities	Bike paths, pedestrian, park-n-Ride, etc. facilities
Operation of traffic control equipment		Replacement of traffic control equipment
Other transportation demand management activities		

d) In instances where an interim intersection or phased interchange construction is planned prior to the construction of the complete interchange, the final IGA shall include a phasing plan, indicating milestones, and define performance, financial or other triggers that will mandate construction of the various phases planned.

e) The final IGA shall be submitted to the Chief Engineer for action. The applicant will be notified of the Chief Engineer's decision.

f) Upon completion and approval of the Final IGA, CDOT will issue a CDOT state highway access permit. The Final IGA and the access permit will serve as the enforcement document to ensure all parties abide by the items agreed upon within the IGA. A sample Final IGA is attached as Appendix G.

VI. IMPLEMENTATION PLAN

Upon adoption, all Divisions of the Colorado Department of Transportation shall implement this Procedural Directive.

The Office of Policy and Government Relations shall post this Procedural Directive on CDOT's intranet as well as on public announcements.

VII. REVIEW DATE

This Procedural Directive shall be reviewed on or before June 2027.



Shoshana Lew
Executive Director

June 7th, 2022

Date of Approval

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject INTERCHANGE APPROVAL PROCESS		Number 1601.0
Effective 4/15/2021	Supersedes 10/16/08 12/15/04	Originating Office Division of Transportation Development

I. PURPOSE

The purpose of this Policy Directive is to establish fair and consistent procedures regarding the review and evaluation of requests for new interchanges and major improvements to existing interchanges on the state highway system.

II. AUTHORITY

Transportation Commission, § 43-1-106, C.R.S.
 § 43-3-101, C.R.S. (Freeway Law)
 § 43-2-147, C.R.S. (Highway Access Law)
 2 CCR 601-1 “State Highway Access Code”

III. BACKGROUND

The Transportation Commission (“Commission”) recognizes that state highways are important to meeting the mobility needs of the public, and that it is important to the quality of life and economic health of the state of Colorado for the state highway system to provide safe and efficient interregional and interstate movement of people and goods. To that end, the Commission must manage the location, design, operations and maintenance of interchanges on the state highway system.

IV. POLICY

A. It is the policy of the Commission that all requests for new interchanges and major improvements to existing interchanges on the state highway system be reviewed and evaluated in a fair and consistent manner, that sufficient information be available to make an informed decision, and that duplicative analytical, regulatory and procedural requirements be minimized.

B. Since each request for a new interchange or interchange modification has its own unique circumstances, the Commission will take into account these unique circumstances in judging the relative merits of each request for a new interchange or interchange modification on facilities owned by the Colorado Department of Transportation (“CDOT”). To that end, the Commission recognizes that there must be flexibility to ensure a level of analysis appropriate to the circumstances surrounding each proposal.

C. In order to ensure consistency with local plans, needs and priorities, and the ability to have the long term contractual relationships that are necessary to maintain the infrastructure of the state highway system, applicants must be local governmental units. CDOT-initiated new interchanges or

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interchange modifications must comply with the same analytical and procedural requirements as local government applicants.

D. The following general policies will apply to all proposals for new or modified interchanges on the state highway system unless otherwise agreed to by the Commission:

1. Approval of Interchanges and Interchange Modifications: To balance the need for fair and consistent treatment of all proposals to add a new interchange or modify an existing interchange to the state highway system with the need for flexibility to ensure the level of analysis appropriate to the circumstances surrounding each proposal, the Commission has identified three (3) categories of proposals.

- a) Type 1: Proposals for new interchanges on the state highway system with a functional classification of Interstate or Freeway will be submitted to the Commission for action. The Commission will also take action on other new interchanges or interchange modifications referred to it by the Chief Engineer.
- b) Type 2: Proposals for new interchanges not on the Interstate or Freeway System and modifications to existing interchanges will be submitted to the Chief Engineer for action. The applicant may appeal the Chief Engineer's decision as it relates to this policy to the Commission or the decision may be reviewed by the Commission on its own motion.
- c) Type 2a: Proposals for minor interchange improvements that will have little or no impact to the state highway system or surrounding local transportation system, consistent with the definition and guidance provided by FHWA. Approvals for Type 2a proposals are delegated by the Chief Engineer to the Region Transportation Director.

2. Cost Sharing:

- a) The state highway system shall be owned by CDOT.
- b) The applicant is responsible for all costs for the development, administration, and evaluation of proposals for new interchanges or modifications to existing interchanges.
- c) The applicant is responsible for all costs including, but not limited to, design, rights of way, construction, maintenance, operations, environmental mitigation and remediation and replacement of structures and ancillary facilities associated with new interchanges in perpetuity.
- d) Responsibility for all costs including, but not limited to, design, rights of way, construction, maintenance, operations, Transportation Demand Management strategy implementation, environmental mitigation and remediation and replacement of structures and ancillary facilities owned by CDOT associated with existing interchanges, upgrades of existing intersections on state highways to interchanges, and ancillary facilities on the state highway system will be negotiated through the final Intergovernmental Agreement ("IGA") consistent with the financial plan identified in a System Level Study.
- e) The Commission must approve CDOT's participation in any cost sharing proposal.

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3. Connections to the State Highway System:

- a) Interchange connections to the state highway system are intended to improve the operations and safety of the state highway system, serve regional travel purposes or provide access to regional destinations. Therefore, interchange connections from state highways must be to regionally significant roadways or regionally significant publicly owned facilities, or result in a significant improvement in the operations and safety of the state highway system.
- b) A regionally significant roadway is defined as a roadway classified as a principal arterial or higher classification in the most recently adopted Metropolitan Planning Organization transportation plan in urban areas, or if the roadway has been identified as regionally significant within an adopted Regional Transportation Plan, NEPA/environmental study, feasibility study, corridor optimization plan, or access management plan in which CDOT staff has participated and the Chief Engineer finds acceptable.
- c) Access to local land uses must be provided to the extent reasonable and feasible by the local transportation system.

4. Inclusion of Transportation Demand Management Strategies

- a) To preserve the overall functionality and operability of the state of Colorado's highway system, the applicant will implement traffic reduction or Transportation Demand Management ("TDM") strategies to preserve the long-term functionality of the constructed interchange improvement. The effectiveness of TDM strategies is highly dependent on the specific location, complementary strategies, the nature of the travel segment being targeted, and implementation and promotion. TDM requirements apply to new Type 1 and Type 2 interchange proposals. The TDM requirement does not apply to Type 2a proposals. The proposed TDM improvements will be included for analysis in the System Level Study.
- b) As background, TDM helps the traveling public by offering access to multiple transportation modes through strategies like promoting increased transit, integrating with mobility hubs, ridesharing, walking, biking, and teleworking in order to reduce reliance on travel in a single-occupant vehicle. TDM helps the state by optimizing the use and available capacity of the existing transportation infrastructure. This TDM requirement intends to implement appropriate TDM strategies that preserve the functionality of interchanges on the state highway system in order to maximize the benefit created from new infrastructure investments. Therefore, the implementation of TDM strategies reduces vehicle miles traveled, highway congestion, and the subsequent greenhouse emissions.
- c) At the discretion of the CDOT Chief Engineer, TDM strategies would apply to Type 2 interchange modifications on interstate facilities where the current operational Level of Service ("LOS") is an F, for the current year, during peak hours for the mainline in at least one direction of travel as identified in the System Level Study. Additionally, TDM strategies would be required if the LOS is predicted to be at level 'F' at the 20-year design year timeframe under a no-build scenario.
- d) As a goal, the recommended TDM strategies should result in a 3% or greater average daily traffic ("ADT") reduction for the preferred alternative in Metropolitan Planning Organization ("MPO") Boundary Areas and a 1% or greater ADT reduction for the preferred

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alternative outside the MPO Boundary Areas. The reduction threshold goal shall be calculated from the opening day of the new facility, or 5-years from opening day if the TDM strategies are implemented on a phased schedule for traffic conditions with the assumption that the interchange improvements have been built. The trip reduction goal applies to the traffic volumes for the interchange ramps (all movement) as identified in the System Level Study.

e) The final IGA will outline TDM-related commitments along with a phased implementation schedule, if necessary. Any phased implementation schedule should be based on a combination of traffic volume ADT and LOS forecasts identified in Procedural Directive 1601.1.

f) It is the discretion of the Chief Engineer if TDM strategies could be reduced for interchange applications based on factors such as changes in land use and existing TDM programs or strategies. The factors used by the Chief Engineer are identified during the Pre-Application Meeting and are detailed in Procedural Directive 1601.1.

g) The applicant should also recognize that TDM strategies require some level of education and outreach to multiple stakeholders. TDM strategies can be highly effective and range in cost and should be accompanied by local capacity enhancements. These suggested strategies can be considered individually or grouped depending on the location, population, employment, land use, and if there is an existing transit system available. Lastly, CDOT recognizes that the suggested TDM strategy list identified in the Procedural Directive requires a range of possible partnerships that could include, but are not limited to, the private sector, local and regional transit agencies, Transportation Management Organizations or Transportation Management Associations, Business Improvement Districts, homeowners associations, special districts and other quasi-government and non-profit organization to fully execute the agreed-upon TDM improvement(s).

h) The Procedural Directive provides the applicant with a TDM scorecard and a target point system based on the type and location of the proposed improvement, to develop a project-specific TDM plan that will be included in the System Level Study. The project-specific TDM plan will include an analysis of the proposed TDM improvement, and how that proposed improvement will achieve the goals identified in Procedural Directive 1601.1.

5. Approval Process:

a) An initial IGA must be developed between the applicant and CDOT addressing responsibility for administrative and application costs, analytical procedures and responsibilities, anticipated level of design detail, approval process, anticipated schedule and other necessary issues following a project scoping meeting between the applicant and CDOT. An initial IGA may be developed for Type 2a proposals at the discretion of the Region Transportation Director.

b) The Commission (for Type I proposals) and the Chief Engineer (for Type 2 proposals) shall take action on a System Level Study of the impacts of the proposed interchange or interchange modification on the state and local transportation system and surrounding area. The System Level Study must include a preliminary financial plan that identifies which parties are responsible for applicable costs.

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c) Following the System Level Study approval, the new interchange or interchange modification proposal must be determined consistent with the applicable fiscally constrained regional transportation plan, receive approval of the applicable environmental documents consistent with the CDOT Environmental Stewardship Guide and receive NEPA approval and access approval by FHWA for all Interstate related proposals.

d) A final IGA, consistent with the approved System Level Study and approved by the Chief Engineer, that addresses all necessary commitments by the applicant including, but not limited to, construction, mitigation, operations, TDM strategies, maintenance, ownership will be negotiated after the System Level Study is approved and the applicable environmental and design requirements are addressed.

e) As an incentive to encourage cooperative corridor planning, a full systems analysis is not required when a proposed interchange or interchange modification is consistent with an approved corridor optimization and access control plan. In such cases, the Chief Engineer may define additional information necessary to ensure the proposed interchange meets acceptable design, safety, operational, and other applicable requirements.

f) The applicants must demonstrate significant progress, as defined by milestones in the IGA, towards implementation of the project within three (3) years of approval of the System Level Study by the Commission or Chief Engineer. If the applicant has not made significant progress toward implementation of the interchange project within three (3) years of this approval, the applicant may submit a written request to the Chief Engineer for a one (1) year time extension. No more than two (2) one-year extensions may be granted by the Chief Engineer.

V. IMPLEMENTATION PLAN

This Policy Directive shall be implemented by all Regions, Branches, Divisions, and Offices of the Colorado Department of Transportation.

The Office of Policy and Government Relations shall post this Policy Directive on CDOT's intranet as well as on public announcements.

VI. REVIEW DATE

This Policy Directive shall be reviewed before April 2026.

Herman F. Stockinger III

Herman Stockinger, III
Transportation Commission Secretary

4/15/2021

Date

Appendix B

(f) Speed, as used in this section, refers to the posted legal speed limit at the access location at the time of permit approval. A higher speed for access design shall be used if the section of highway is presently being redesigned or reconstructed to a higher speed or an approved access control plan requires a higher speed. Where a traffic signal will be installed as part of the access construction, the access design and the anticipated posted speed limit after signal installation may be used for the overall access design at the discretion of the Department.

(g) A reasonable trip distribution estimate should be provided based on the type of proposed development, competing developments (if applicable), the size of the proposed development, surrounding land uses and population, and the conditions of the surrounding street system. If the applicant does not provide a distribution estimate, the distribution may be estimated by the Department or issuing authority. If no other estimate is made, a full movement access shall be considered to have 40 percent of ingressing vehicles making a left turn and 60 percent ingressing vehicles making a right turn on an average day.

(5) Traffic Impact Studies

(a) When the land use will generate a DHV of 100 vehicles or more, or when considered necessary or desirable by the issuing authority or Department for exceptional reasons, the applicant shall provide a traffic impact study. The scope of the study shall be commensurate with the scale and scope of probable operational and safety impacts to the general street system.

(b) When a traffic impact study is required, the study shall be completed and sealed by a Colorado registered professional engineer. Selected items from the following list may be excluded if not applicable to the situation and exclusion is specifically authorized by the issuing authority. The contents and extent of a traffic impact study depend on the location and size of the proposed development and the conditions prevailing in the surrounding area. Larger developments proposed in congested areas obviously require more extensive traffic analysis, whereas smaller sites may only require a minimal analysis of traffic on site and at immediately adjacent intersections. In determining how large a study area to include, a general guideline is to carry the analysis out at least as far as those areas where newly generated site traffic represents 5 percent or more of roadway's peak hour capacity. Where site generated traffic will be less than 5 percent of the roadway capacity, the intersections adjacent to the site should, at a minimum, be analyzed. The study area boundaries may also be influenced by impacts other than pure capacity relationships such as neighborhood short cuts, traffic noise and hours of operation.

(c) The study shall use the following standards, and guidance, and provide the following information as applicable or as requested by the issuing authority. Additional information and additional analysis based upon other factors and standards may be included if the applicant desires:

- (1) a scaled map of the vicinity showing all roadways and highways adjacent to the site, a scaled map of the study area including land uses, and a map of the immediate access area, a plan showing on-site anticipated vehicular circulation patterns
- (2) map identification and textual consideration of all access that are existing and possible future access locations including signal locations for at least one-half mile in each direction along the highway as well as all potential roadway and signal improvements
- (3) evaluation of current daily and peak hour traffic data and 20th year projections including turning movements at all intersections and any key year midpoints assuming a build out of the study area based upon zoning, comprehensive plans and growth estimates
- (4) an evaluation of the level of service and capacity for all design and traffic operation elements including mainline roadway and affected intersections

- (5) where applicable, an analysis of the clear zone, and the horizontal and vertical sight distances
- (6) accurate and understandable diagrams
- (7) all assumptions and adjustment factors
- (8) an analysis of all reasonable alternatives including no build or no direct highway access alternatives
- (9) current and projected arterial travel speed, travel time, and delay time within the study area that will be impacted by the access proposal
- (10) site traffic generation rate estimates and resulting trip generation distribution and assignments
- (11) analysis of queue lengths for all turn lanes affected to the 20th year
- (12) a safety analysis including conflict points, turning movements and three years of accident history
- (13) a conceptual design showing all geometric elements and their approximate dimensions with analysis of any element of the access that will be below Code standards
- (14) sources of information, data and references
- (15) the existence of any current traffic problems in the local area such as a high accident location, confusing intersection, or an intersection in need of a traffic signal
- (16) the current or projected level of service of the roadway system adjacent to the development, which will be significantly affected
- (17) the sensitivity of the adjacent neighborhoods or other areas that may be perceived as impacted
- (18) the proximity of site driveways to the other access points or intersections
- (19) the ability of the adjacent existing or planned roadway system to handle increased traffic, or the feasibility of improving the roadway system to handle increased traffic
- (20) other specific problems or deficiencies that may be affected by the proposed development or affect the ability of the development to be satisfactorily accommodated.

If the access is proposed to have a traffic signal, or will necessitate modifications to a traffic signal, the following additional analysis are required:


- (21) an intersection capacity operation analysis for all signals included in the progression analysis and providing complete input and output reports, data and assumptions
- (22) the signal timings, phasing and data used in each analysis shall be consistent
- (23) highway traffic signal progression analysis including progression bandwidth, efficiency and level of service determinations, assumptions and data with complete input and output menu reports provided and including all existing and anticipated future signals within 1 mile of the proposed access
- (24) a signal cycle length of between 60 and 120 seconds and consistent with the existing corridor signal operation and function, shall be used for the analysis or as determined by the Department
- (25) analysis will use the posted speed limit(s) but may submit an additional analysis if it can be shown that a different speed is more efficient for capacity, highway delay and travel time
- (26) the highway bandwidth used shall be consistent with the requirements of the assigned access category
- (27) signal phasing will normally assume lead phasing. Lag phasing may not be included unless specifically authorized
- (28) the green time allowed for the cross street shall be no less than the time necessary to accommodate pedestrian movement
- (29) analysis of storage queue lengths for auxiliary lanes at signalized intersections within the immediate study area.



Memorandum

Subject: **ACTION** Changes to FHWA's Policy on
Access to the Interstate System

Date: May 22, 2017

From: Thomas D. Everett 
Associate Administrator for Infrastructure

In Reply Refer To:
HIPA; HEPE

Hari Kalla 
Acting Associate Administrator for
Planning, Environment, and Realty

To: Directors of Field Services
Division Administrators

Section 111(a) of Title 23, United States Code, provides that State departments of transportation (State DOTs) may not add any points of access to, or exit from, the Interstate System without prior approval of the Secretary. The Secretary has delegated this authority to the Federal Highway Administrator pursuant to Title 23, Code of Federal Regulations, Paragraph 1.48(b)(10). To implement this authority, FHWA is issuing the attached new Policy on Access to the Interstate System (Policy). The Policy was initially published in October 1990 and subsequently updated in 1998 and 2009. The new Policy replaces the 2009 Policy.

The FHWA has identified several areas where the current Policy may be streamlined to eliminate duplication with other project reviews. The new Policy will now focus on the technical feasibility of any proposed change in access in support of FHWA's determination of safety, operational, and engineering acceptability. Consideration of the social, economic, and environmental impacts and planning considerations will be addressed through the National Environmental Policy Act (NEPA) review of the project. This change will eliminate the potential for duplicative analysis of those issues in the State DOT's Interstate Access report and the NEPA documentation. The change will allow State DOTs to submit only a single technical report describing the types and results of technical analyses conducted to show that the change in access will not have significant negative impact on the safety and operations of the Interstate System.¹

The FHWA will be seeking public comment on this updated Policy. In the interim, division offices are directed to begin using the updated Policy for all new change-in-access requests

¹ The changes discussed in this memorandum do not alter or restrict the option to delegate approval authority for Interstate access justification reports to State DOTs pursuant to 23 U.S.C. 111(e).

effective May 22, 2017 (this includes projects to be processed within the division office as well as those that are forwarded to Headquarters). The FHWA will evaluate Interstate Access requests under the updated Policy as follows:

- The FHWA will rely on the information developed for NEPA reviews to account for the social, economic, and environmental impacts of the change in access. The information collected for the NEPA review of the access request should include a discussion of the need for the action (for example, why the need is not satisfied by existing interchanges or by reasonable transportation system management, geometric design, or improvements to the Interstate System or local roads); evaluation of consistency with local and regional land use and transportation plans; a comprehensive corridor or network study if the potential for future multiple interchange additions exist; and demonstration of coordination with proposed transportation system improvements when the proposal is due to a new, expanded, or substantial change in current or planned future development or land use.
- The FHWA will consider and analyze information regarding the technical feasibility of the change in access as a separate review. The FHWA's determination of safety, operational, and engineering acceptability will be based on a detailed review of this technical report.
- The FHWA's determination of acceptability, along with the supporting information, will be included as an appendix to the NEPA documentation.

Regardless of the type of NEPA action selected for the project, a separate technical report will be required to be submitted to FHWA for determination of safety, operations, and engineering acceptability. This technical report can be submitted as an appendix to the NEPA documentation in the case of an EIS, EA, or D-List CE, or as a separate stand-alone document in the case of a C-List CE. This procedure will ensure that the technical information considered during the analysis of impacts under NEPA is readily available to the public and others.²

Note that a State DOT may choose to send a separate technical report prior to a State DOT proceeding with the full NEPA documentation so that FHWA may determine the safety, operational, and engineering acceptability of the alternatives prior to engaging in the environmental impacts analysis.

If you have questions, please contact Michael Matzke, HIPA-20, at michael.matzke@dot.gov or (202) 366-4658.

Attachment

² State departments of transportation (State DOTs) may assume FHWA environmental review responsibilities under 23 U.S.C. 326 (Categorical Exclusion assignment program) or 23 U.S.C. 327 (Surface Transportation Project Delivery Program). The FHWA retains final approval authority of the Interstate System Access change request once the project receives safety, operational, and engineering acceptability; and environmental review. The FHWA will develop specific guidance on how this memorandum and Policy update is addressed in NEPA Assignment States.

Policy on Access to the Interstate System

May 22, 2017

Policy

It is in the national interest to preserve and enhance the Interstate System to meet the needs of the 21st Century by assuring that it provides the highest level of service in terms of safety and mobility. Full control of access along the Interstate mainline and ramps, along with control of access on the crossroad at interchanges, is critical to providing such service. Therefore, the Federal Highway Administration's (FHWA) decision to approve new or revised access points to the Interstate System under Title 23, United States Code (U.S.C.), Section 111, must be supported by substantiated information justifying and documenting that decision. The FHWA's decision to approve a request is dependent on the proposal satisfying and documenting the following requirements:

Considerations and Requirements

1. An operational and safety analysis has concluded that the proposed change in access does not have a significant adverse impact on the safety and operation of the Interstate facility (which includes mainline lanes, existing, new, or modified ramps, and ramp intersections with crossroad) or on the local street network based on both the current and the planned future traffic projections. The analysis should, particularly in urbanized areas, include at least the first adjacent existing or proposed interchange on either side of the proposed change in access (Title 23, Code of Federal Regulations (CFR), paragraphs 625.2(a), 655.603(d) and 771.111(f)). The crossroads and the local street network, to at least the first major intersection on either side of the proposed change in access, should be included in this analysis to the extent necessary to fully evaluate the safety and operational impacts that the proposed change in access and other transportation improvements may have on the local street network (23 CFR 625.2(a) and 655.603(d)). Requests for a proposed change in access should include a description and assessment of the impacts and ability of the proposed changes to safely and efficiently collect, distribute, and accommodate traffic on the Interstate facility, ramps, intersection of ramps with crossroad, and local street network (23 CFR 625.2(a) and 655.603(d)). Each request should also include a conceptual plan of the type and location of the signs proposed to support each design alternative (23 U.S.C. 109(d) and 23 CFR 655.603(d)).
2. The proposed access connects to a public road only and will provide for all traffic movements. Less than "full interchanges" may be considered on a case-by-case basis for applications requiring special access, such as managed lanes (e.g., transit or high occupancy vehicle and high occupancy toll lanes) or park and ride lots. The proposed access will be designed to meet or exceed current standards (23 CFR 625.2(a), 625.4(a)(2), and 655.603(d)). In rare instances where all basic movements are not provided by the proposed design, the report should include a full-interchange option with a comparison of the operational and safety analyses to the partial-interchange option. The report should also include the mitigation proposed to compensate for the missing

movements, including wayfinding signage, impacts on local intersections, mitigation of driver expectation leading to wrong-way movements on ramps, etc. The report should describe whether future provision of a full interchange is precluded by the proposed design.

Application

This policy is applicable to new or revised access points to existing Interstate facilities regardless of the funding of the original construction or regardless of the funding for the new access points. This applicability includes routes incorporated into the Interstate System under the provisions of 23 U.S.C. 103(c)(4)(A) or other legislation.

Routes approved as a future part of the Interstate System under 23 U.S.C. 103(c)(4)(B) represent a special case because they are not yet a part of the Interstate System. Because the intention to add the route to the Interstate System has been formalized by agreement, any proposed new or significant changes in access beyond those covered in the agreement, regardless of funding, must be approved by FHWA.

This policy is not applicable to toll roads incorporated into the Interstate System, except for segments where Federal funds have been expended or these funds will be used for roadway improvements, or where the toll road section has been added to the Interstate System under the provisions of 23 U.S.C. 103(c)(4)(A). The term "segment" is defined as the project limits described in the Federal-aid project agreement.

Each break in the control of access to the Interstate System right-of-way is considered to be an access point. For the purpose of applying this policy, each entrance or exit point, including "locked gate" access, is considered to be an access point. For example, a diamond interchange configuration has four access points.

Ramps providing access to rest areas, information centers, and weigh stations within the Interstate controlled access are not considered access points for the purpose of applying this policy. These facilities must be accessible to vehicles only to and from the Interstate System. Access to or from these facilities and local roads and adjoining property is prohibited. The only allowed exception is for access to adjacent publicly owned conservation and recreation areas, if access to these areas is available only through the rest area, as allowed under 23 CFR 752.5(d).

Generally, any change in the design of an existing access point is considered a change to the interchange configuration, even though the number of actual points of access may not change. For example, replacing one of the direct ramps of a diamond interchange with a loop, or changing a cloverleaf interchange into a fully directional interchange would be considered revised access for the purpose of applying this policy.

All requests for new or revised access points on completed Interstate highways must closely adhere to the planning and environmental review processes as required in 23 CFR 450 and 771.

The FHWA approval constitutes a Federal action and, as such, requires that the transportation planning, conformity, congestion management process, and the National Environmental Policy Act procedures be followed and their requirements satisfied. The final FHWA approval of requests for new or revised access cannot precede the completion of these processes or necessary actions.¹

To offer maximum flexibility, however, any proposed change in access can be submitted by a State department of transportation (State DOT) to the FHWA division office for a determination of safety, operational, and engineering acceptability.² This flexibility allows agencies the option of obtaining this acceptability determination prior to making the required modifications to the transportation plan, performing any required conformity analysis, and completing the environmental review and approval process. In this manner, State DOTs can determine if a proposal is acceptable for inclusion as an alternative in the environmental process. This policy in no way alters the planning, conformity, or environmental review and approval procedures as contained in 23 CFR 450 and 771, and 40 CFR 51 and 93.

An affirmative determination by FHWA of safety, operational, and engineering acceptability for proposals for new or revised access points to the Interstate System should be reevaluated whenever a significant change in conditions occurs (e.g., land use, traffic volumes, roadway configuration or design, or environmental commitments). Proposals may be reevaluated if the project has not progressed to construction within 3 years of receiving an affirmative determination of engineering and operational acceptability (23 CFR 625.2(a); see also 23 CFR 771.129). If the project is not constructed within this time period, FHWA may evaluate whether an updated justification report based on current and projected future conditions is needed to receive either an affirmative determination of safety, operational, and engineering acceptability, or final approval if all other requirements have been satisfied (23 U.S.C. 111, 23 CFR 625.2(a), and 23 CFR 771.129).

Implementation

State DOTs must submit requests for proposed changes in access to their FHWA Division Office for review and action under 23 U.S.C. 106 and 111(a), and 23 CFR 625.2(a). The FHWA Division Office will ensure that all requests for changes in access contain sufficient information, as required in this policy, to allow FHWA to independently evaluate and act on the request.

Effective Date

¹ State DOTs may assume FHWA environmental review responsibilities under 23 U.S.C. 326 (Categorical Exclusion assignment program) or 23 U.S.C. 327 (Surface Transportation Project Delivery Program). The FHWA retains final approval authority of the Interstate System access change request once the project receives safety, operational, and engineering acceptability and environmental review.

² The FHWA may delegate approval authority for some Interstate access justification reports to State DOTs pursuant to 23 U.S.C. 111(e). See <https://www.fhwa.dot.gov/design/interstate/160426.cfm>. The FHWA retains final approval authority of the Interstate System access change request once the project receives safety, operational, and engineering acceptability and environmental review.

This policy replaces the policy of August 27, 2009 on "Access to the Interstate System," published at 74 *Federal Register* 43743. The changes in this policy are made to ensure this policy focuses on safety, operational, and engineering issues. The consideration of social, economic, and environmental impacts discussed in the 2009 policy are removed from this policy. However, the removal from this policy does not eliminate the need to consider those matters. Those issues will be addressed under the National Environmental Policy Act and other statutes and regulations applicable to the approval process.

This policy is effective as of May 22, 2017.



FHWA Colorado Division Control of Access to the Interstate and its Right-of-Way February 2005

Background:

It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to providing such service. As stewards of the Federal-aid Highway Program, the Federal Highway Administration (FHWA) is accountable to the users of the system. Consistent with our responsibilities, the Colorado Division Office is committed to preserving the integrity and safety of the Interstate system through preservation of access control and ensuring that all real property within the boundaries of the facility are devoted exclusively to approved transportation purposes.

This guidance is meant to assist the Colorado Department of Transportation (CDOT) in determining when the Colorado Division Office needs to be involved and describes our actions required to ensure preservation of access control for the Interstate system.

This guidance is only applicable to the Interstate system. For modification of access control on **non-Interstate** facilities, CDOT is not required to obtain FHWA approval. Responsibility for control of access of non-Interstate facilities was turned over to the state by ISTEA in such a manner that the state is not acting on our behalf, but, rather has full authority to make access decisions.

To assure the Interstate system provides the “highest level of service in terms of safety and mobility...” and to protect the integrity and the extensive investment associated with it, the FHWA has retained all approval rights for the control of access to the Interstate system. FHWA approval is necessary for all new/modified permanent and temporary access points to the Interstate system or its Right-of-Way, regardless of funding and project oversight.

Use of ROW

The State of Colorado shall assure that all real property within the boundaries of a federal-aid facility is devoted exclusively to the purpose of that facility and is preserved free of all other public or private alternative uses, unless such alternative uses are permitted by federal regulation (23CFR710.403). An alternative use must be consistent with the continued operation, maintenance, and safety of the facility and such use shall not result in the exposure of the facility’s users, or others, to hazards.

Prior to allowing any temporary or permanent change of use or occupancy of the Right-of-Way (ROW) along the Interstate, CDOT must obtain prior FHWA written approval for the change in use or occupancy as well as any change in access control required for entry. Additionally, the CDOT must charge current fair market value or rent for the use of the real property interests, except those allowed by 23 CFR 710.403(d) and Chapter 7 of the CDOT ROW manual.

Use or occupancy for any public or private Non-Transportation use will be approved by the Colorado Division Office as an Airspace Lease Agreement in accordance with 23CFR710.405 and the procedures outlined in Chapter 7 of the CDOT ROW manual. The CDOT Regions should work directly with the CDOT HQ Property Management section in obtaining FHWA lease agreement approvals.

By regulation, airspace leases are not applicable to railroads and public utilities, along with bikeways and pedestrian walkways. Airspace lease agreements are required for private road encroachments in the ROW, but are not required for publicly owned roads. In all cases FHWA approval of changes in access control are required.

Access Breaks or changes in control of access

“No change may be made in control of access, without the joint determination and approval of the SHA and FHWA...,” 23CFR 620.203 (h). Thus, both temporary and permanent modifications of access control for transportation and non-transportation purposes require FHWA approval. No person shall construct any access across the line, nor shall they cross the line into the facility’s right-of-way without this approval.

Control of Access is accomplished by the acquisition of access control. It is indicated by the placement of an Access Control line (A-line) which can be found on the CDOT ROW plans and is usually located on the property line. The access may also be controlled with Police Power which may or may not be identified in the ROW plans but are created by Statutes and Codes; for example, the Colorado State Access Code does not allow access between frontage roads and the mainline. If reference cannot be found of the existence of an A-line or control by Police Power, the property line shall be considered the access control line for the purpose of FHWA approval.

FHWA approval of access breaks (sometimes referred to as Locked gate access) is required for both transportation purposes (maintenance and construction) and for non-transportation purposes (private installations and encroachments). The approval shall be obtained through the CDOT HQ Property Management section in accordance with Chapter 7 of the CDOT ROW Manual.

Access to the Interstate:

FHWA approval of an **Interstate Access Request (IAR)** addressing the 8-Policy points is required when a new interchange is added to the interstate system or when there will be a major modification or reconfiguration of an interchange.

Examples:

- Adding a new interchange to the interstate system;
- Adding new ramps to an existing interchange;
- Changing alignment of ramp to a different intersecting street; and
- Changing type of ramp (e.g. loop to direct)

Access approval under an IAR is a two-step process that was developed to help the state manage risk and provide flexibility. It is intended to identify fatal flaws and to help balance the risk and ensure the investment in the environmental document is not wasted. The first step is a finding of operation and engineering “acceptability”. Compliance with the NEPA procedures need not precede this determination. The second step is the final “approval” which cannot precede the completion of NEPA. Often these steps are done at the same time, however, it is not necessary. FHWA’s participation in the development of projects can help everyone better understand FHWA’s requirements. However, it does not imply FHWA’s approval or anticipated approval of an IAR.

All new and partial interchanges in a transportation management area (TMA), as defined in 23USC 134(i), and new and major modifications to Freeway to Freeway interchanges must be reviewed by FHWA Headquarters, for determination of “acceptability”. Final approval is relatively quick once the operational and engineering acceptability has been determined and NEPA is completed.

For guidance for the Preparation of an IAR, please see the “FHWA Colorado Division Guidance for the Preparation of a FHWA INTERSTATE ACCESS REQUEST” attached.

Minor Interchange Modifications:

FHWA concurrence of a **Minor Interchange Modification Request (MIMR)** showing no adverse impact to the operations and safety of the Interstate system is required for modifications to an interchange where an **IAR** is not appropriate, but there is the potential or possibility to adversely impact the operations and/or safety of the mainline or adjacent interchanges.

When it has been determined that an **IAR** is not appropriate, CDOT, in cooperation with the FHWA operations engineer assigned to the respective area, will determine what kind of request, if any, is required.

If CDOT and FHWA agree that the modification does not have the potential or possibility to adversely impact the operations and safety of the interstate or is a modification that improves the operations of the Interstate, a **MIMR** is not required and no FHWA concurrence or approval beyond access control changes is required.

Examples of Modifications that have the potential to adversely impact operations and or safety:

- Changing alignment of a ramp where the gore is closer to a gore point of another interchange (weave distance is reduced);
- Adding lanes to an on ramp (either by restriping or physical construction);
- Changing acceleration and deceleration lanes on the mainline;
- Changing ramp termini intersection so it could cause or allow an increase in the flow of traffic onto the interstate; and
- Changing the ramp termini intersection that could cause an increase in queue lengths on the ramp.

Examples of Modifications that may not have the potential to adversely impact:

- Moving the gore of a ramp further from other gore points;
- Adding lanes to an off ramp;
- Changing the termini of a ramp to facilitate the movement of vehicles off the ramp;
- Reconfiguring frontage roads; and
- Improving cross streets (e.g. traffic lanes, adding bike and pedestrian lanes).

For guidance on the preparation of a MIMR, please see the “FHWA Colorado Division Guidance for the Preparation of a FHWA MINOR INTERCHANGE MODIFICATION REQUEST” attached.

Access for Construction:

Temporary construction access is typically approved by the FHWA in the PS&E approval process for FHWA oversight projects. The FHWA’s approval of the CDOT form 418 is to be considered approval of all temporary accesses found in the construction plans on these projects.

If the temporary construction accesses are not in the plans the CDOT Project Engineers have the authority to approve ingress/egress to and from the interstate mainline and ramps (that occurs within the project limits) from a location within the interstate right-of-way. FHWA approval is required for contractor ingress/egress to and from the Interstate that are outside of the project limits. FHWA approval is also required for temporary crossing of the Access Control Line, those access points that break the existing R.O.W. fences, A-lines, and from Frontage roads not previously approved by FHWA during the PS&E approval, regardless of oversight responsibility.

For additional guidance on access for construction, please see the “FHWA Colorado Division Guidance for Temporary Construction Access on the Interstate” attached.



FWHA Colorado Division Guidance for the Preparation of a Minor Interchange Modification Request February 2005

Background:

Interstates are classified by the State of Colorado's access code as Category F-W and are located at the top of the classification hierarchy. It is imperative this classification of roadway operate in a manner that facilitates mobility safely. Additionally, FHWA's policy reads: "it is in the national interest to maintain the Interstate system to provide the highest level of service in terms of safety and mobility." As stewards of the Federal-aid Highway Program, the Federal Highway Administration (FHWA) is accountable to the users of the system and is committed to preserving the integrity and safety of the Interstate system.

FHWA concurrence in minor modifications of interchanges is required to ensure that the modifications will allow the interchange and Interstate system to continue to operate safely and that the operations of the mainline or adjacent interchanges will not be adversely impacted.

The purpose of this paper is to establish guidance to address requests that are minor in nature but may have the potential to adversely impact the Interstate system mainline or adjacent interchanges. It provides guidance on documenting the effects of planned improvements of an interchange when the "Interstate Access Request" addressing the eight policy points is not appropriate. Although specific operational analysis will be required, the level of analysis is generally less than that needed for an **Interchange Access Request**.

Examples of Modifications that have the potential to adversely impact operations and or safety:

- Changing alignment of a ramp where the gore is closer to a gore point of another interchange (weave distance is reduced);
- Adding lanes to an on ramp (either by restriping or physical construction);
- Changing acceleration/deceleration lanes on the mainline;
- Changing ramp termini intersection so it could cause or allow an increase in the flow of traffic onto the Interstate; and
- Changing the ramp termini intersection that could cause an increase in queue lengths on the ramp.

If CDOT and FHWA agree that the modification(s) do not have the potential or possibility to adversely impact the operations and safety of the Interstate, or is a modification that improves the operations of the interstate, a **Minor Interchange Modification Request (MIMR)** is not required and no FHWA concurrence or approval beyond changes to the access control line are required.

Examples of Modifications that may not have the potential to create adverse impacts:

- Moving gore of a ramp further from other gore points;
- Adding lanes to an off ramp;
- Changing the termini of a ramp to facilitate the movement of vehicles off the ramp;
- Reconfiguring frontage roads; and
- Improving the cross street (e.g. traffic lanes, adding bike and pedestrian lanes).

The adding of a new interchange or new ramps to an existing interchange, changing the configuration, changing the alignments of a ramp to a different intersecting street, changing the type of ramp (e.g. loop to direct), or eliminating an existing ramp from an interchange are all examples of modifications that require an **Interchange Access Request** that address the eight policy points. These modifications cannot be approved with a **MIMR**; please refer to “FHWA Colorado Division Guidance for the Preparation of a FHWA INTERSTATE ACCESS REQUEST.”

Request:

The **MIMR** requesting FHWA concurrence of no adverse impact to the operations or safety of the Interstate must be submitted by CDOT to the FHWA Division Office. Prior to submittal to FHWA, the request shall be reviewed by the CDOT Regional Traffic Office.

The request should be a stand-alone document that is clearly written for someone that is not familiar with the project or the project area. The referencing of information in other documents (feasibility study, environmental documents) is discouraged. The information from these documents should be provided in the request. Excerpts may be included as appendices.

The **MIMR** should generally be very short and it is recommended that a memo format be used. It should be addressed to the FHWA Colorado Division Administrator with attention to the Operations Engineer for that Region.

The request should include the following:

- Request for concurrence that there will be no adverse impact to the mainline or adjacent interchanges;
- Introduction that describes the project and its need (what is the project and why is it being done);
- Site Location: Description or map that includes the adjacent interchanges;
- Operational Analysis showing there is no adverse impact to the Interstate system. The documents and level of analysis required is generally less than an Interchange Access Request. CDOT, in cooperation with the FHWA, will determine the appropriate level of analysis and documentation required. In general it will include looking at the merges and weaves beyond the gore and any impact it may have to the Interstate main line; and

- Request to modify the access control line to accommodate the interchange modification.
A ROW plan depicting the proposed modification should be included.



**FHWA Colorado Division
Guidance for Temporary
Construction Access on the Interstate
April 2003**

Background:

FHWA approval is required when access on the interstate system is added or modified. This applies to all access changes on the interstate system regardless of funding and oversight. Each entrance or exit point, including “locked gate” and temporary construction access, to the mainline interstate is considered to be an access point. This guidance is limited to:

Temporary construction access

For guidance on obtaining FHWA approval for New Interchanges, Modifications to existing interchanges involving access control revisions for new ramps or relocation or elimination of existing ramps reference “FHWA Colorado Division Guidance for the Preparation of a FHWA Interstate Access Request” obtainable from the Colorado Division Office.

Temporary construction accesses are those access points created for the construction of the project and will only be used during construction. This access should be looked at in two ways, the Ingress/Egress to the Interstate from the site of work to the mainline and the Crossing of the Access Control Line, usually located on the ROW line.

Access Approval Authority:

Typically temporary construction access points for FHWA oversight projects are approved by the FHWA in the PS&E approval process. The FHWA’s approval of the CDOT form 418 is to be considered approval of all temporary accesses found in the construction plans and as well acceptance of the special provisions and there requirements of the Traffic Control Plan. Under the Special Provisions the CDOT Project Engineer receives site access plans from the contractor for approval. For ingress/egress to the interstate mainline and ramps that occurs within the project limits from a location within the interstate right-of-way the CDOT Project Engineer has the authority to approve. For contractor ingress/egress to the Interstate that is outside of the project limits FHWA approval is required.

Temporary Crossing of the Access Control Line, those access points that break the existing R.O.W. fences, A-lines, and from Frontage roads, requires FHWA approval regardless of oversight responsibility.

Ingress/Egress To The Interstate:

For ingress/egress access to the Interstate and its ramps that fall within the approval authority of CDOT, CDOT is expected to consider the following when approving the access control plan. The FHWA Operations Engineer during their field inspections should review the access control plan and make a determination if they concur with it. The determination should be documented in the Operations Engineer's Construction Inspection Report.

When the access point falls outside of the project limits CDOT should contact the appropriate Operations Engineer and provide them with the appropriate information required for the determination.

The following items should be considered when reviewing the request for an access change:

NEPA: Is the request in compliance with the NEPA document prepared for the project. Specifically will there be an impact to the natural environment beyond the original plans.

Safety/Traffic:

- Weaving
- Adequate accel and decel
- Adequate sight distance

Operation:

- If for construction access, frequency of use
- Details of how the Contractor intend to prevent debris on the travel way.
- Will this affect traffic for local events. e.g. football games
- Traffic control Plans that show all Signing, Striping plans and Flagging

Duration: How long will the access point be used.

Crossing of the Access Control Line

The approval of access in to the work site that breaks existing R.O.W fences, A-lines, and from frontage roads beyond those identified in the project plans requires FHWA approval. This approval is primarily required because of the potential environmental impacts not considered in the original project NEPA document.

The request for approval shall be made in writing from CDOT and shall include the appropriate NEPA document. Because the of NEPA clearance required, the Region's Environmental Group needs to be involved.

(Local \$CDOTWRK)
Project NO/(SA No.)
Local Agency/Region # (RP)

Rev 10/03
06 HA# 00000
CMS ID 06-000

CONTRACT

THIS CONTRACT made this ____ day of _____ 20____, by and between the State of Colorado for the use and benefit of the COLORADO DEPARTMENT OF TRANSPORTATION hereinafter referred to as the State and the LOCAL AGENCY OF _____, COLORADO, Local's Address, FEIN: XXXXXXXXXX hereinafter referred to as the Local Agency or the "Local Agency."

RECITALS

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs in Fund Number 400, Appropriation Code 010, Organization Number 9991, Program 2000, Function 3020, Object 2312 1N Phase D, Reporting Category #####, Contract Encumbrance Number #####, (Contract Encumbrance Amount: \$0.00).
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Pursuant to 43-2-104.5 C.R.S. as amended, the State may contract with Local Agencies to provide maintenance and construction of highways that are part of the state (or local agency) highway system.
4. The Local Agency anticipates a project for a new interchange and by the date of execution of this contract, the Local Agency and/or the State has completed and submitted a preliminary version of CDOT form #463 describing the general nature of the Work. The Local Agency understands that, before the Work begins, form #463 may be revised as a result of design changes made by CDOT, in coordination with the Local Agency, in its internal review process. The Local Agency desires to perform the Work described in form #463, as it may be revised.
5. The Local Agency will be preparing conceptual designs, studies, and other documents in anticipation of a new interchange at _____. The interchange project will be subject to the procedures outlined in CDOT's procedural directive 1601, which is attached hereto by this reference.
6. The Local Agency has made funds available for project Project No (SA No), which shall consist of review services by CDOT of the conceptual designs, studies and other documents, referred to as the "Project" or the "Work." Such Work will be performed in _____, Colorado, specifically described in Exhibit A.

7. The Local Agency has funds available and desires to provide 100% of the funding for the work.
8. The Local Agency has estimated the total cost of the work and is prepared to provide its share of the funding required for the work, as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this contract and to expend its funds for the work under the project. A copy of the ordinance or resolution is attached hereto and incorporated herein as Exhibit B.
9. This contract is executed under the authority of §§ 29-1-203, 43-1-110; 43-1-116, 43-2-101(4)(c) and 43-2-144, C.R.S. and Exhibit B.
10. The parties hereto desire to agree upon the division of responsibilities with regard to the project.

THE PARTIES NOW AGREE THAT:

Section 1. Scope of Work

The Project or the Work under this contract shall consist of review services by CDOT of the conceptual designs, studies and other documents at [specific location], Colorado, as more specifically described in Exhibit A.

Section 2. Order of Precedence

In the event of conflicts or inconsistencies between this contract and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. This contract
2. Exhibit A (Scope of Work)
3. Exhibit C (Contract Modification Tools)
4. Other Exhibits in descending order of their attachment.

Section 3. Term

This contract shall be effective upon approval of the State Controller or designee, or on the date made, whichever is later. The term of this contract shall continue through the completion and final acceptance of the Project by the State, FHWA and the Local Agency.

Section 4. Project Funding Provisions

A. The Local Agency has estimated the total cost of the work and is prepared to provide its the funding required for the work, as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representative of the Local Agency, which expressly authorizes the Local Agency to enter into this contract and to expend its funds for the work under the project. A copy of the ordinance or resolution is attached hereto and incorporated herein as Exhibits B.

B. The parties have estimated the total cost the work to be \$00,000.00, which is to be funded as follows:

a.	Local Agency Funds	\$00,000.00
	Total Funds:	\$00,000.00

C. The maximum amount payable by the Local Agency under this contract shall be \$00,000.00, unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

D. The parties hereto agree that this contract is contingent upon all funds designated for the project herein being made available from Local Agency sources, as applicable. Should these sources fail to provide necessary funds as agreed upon herein, the contract may be terminated by any of the parties, provided that any party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination.

Section 5. Project Payment Provisions

A. The Local Agency will reimburse the State for its share of incurred costs relative to the project following the Local Agency's review and approval of such charges, subject to the terms and conditions of this contract.

B. The billing procedure for CDOT incurred costs shall be as follows:

1. Upon receipt of each bill from the State, the Local Agency will remit to the State the amount billed no later than 60 days after receipt of each bill. Should the Local Agency fail to pay moneys due the State within 60 days of demand or within such other period as may be agreed between the parties hereto, the Local Agency agrees that, at the request of the State, the State Treasurer may withhold an equal amount from future apportionment due the Local Agency from the Highway Users Tax Fund and to pay such funds directly to the State. Interim funds, until the State is reimbursed, shall be payable from the State Highway Supplementary Fund (400).
2. If the Local Agency fails to make timely payment to the State as required by this section (within 60 days after the date of each bill), the Local Agency shall pay interest to the State at a rate of one percent per month on the amount of the payment which was not made in a timely manner, until the billing is paid in full. The interest shall accrue for the period from the required payment date to the date on which payment is made.

C. The State will prepare and submit to the Local Agency, no more than monthly, charges for costs

incurred relative to the project. The State's invoices shall include a description of the amounts of services performed, the dates of performance and the amounts and description of reimbursable expenses. The invoices will be prepared in accordance with the State's standard policies, procedures and standardized billing format.

Section 6. State and Local Agency Commitments

A. The Local Agency shall be responsible for preparing the conceptual designs, studies and other documents required in accordance with the provisions of the CDOT 1601 procedural directive for the proposed new interchange.

B. CDOT shall provide review services for the conceptual designs, studies and other documents as prepared by the Local Agency for compliance with the 1601 procedural directive and other applicable state and federal requirements.

C. The Local Agency Contract Administration Checklist in Exhibit G further describes the Work to be performed and assigns responsibility of that Work to either the Local Agency or the State. The "Responsible Party" referred to in this contract means the Responsible Party as identified in the Local Agency Contract Administration Checklist in Exhibit G.

Section 7. Environmental Obligations

The Local Agency shall prepare its conceptual designs, studies and other documents in accordance with the requirements of the current federal and state environmental regulations including the National Environmental Policy Act of 1969 (NEPA) as applicable.

Section 8. Record Keeping

The parties shall maintain a complete file of all records, documents, communications, and other written materials, which pertain to the costs incurred under this contract. The parties shall maintain such records for a period of six (6) years after the date of termination of this contract or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. Each party shall make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of the state and the Local Agency to inspect the project and to inspect, review and audit the project records.

Section 9. Termination Provisions

This contract may be terminated as follows:

A. Termination for Convenience. The State may terminate this contract at any time the State determines that the purposes of the distribution of moneys under the contract would no longer be served by completion of the project. The State shall effect such termination by giving written notice of termination to the Local Agency and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.

B. Termination for Cause. If, through any cause, the Local Agency shall fail to fulfill, in a timely and proper manner, its obligations under this contract, or if the Local Agency shall violate any of the covenants, agreements, or stipulations of this contract, the State shall thereupon have the right to terminate this contract for cause by giving written notice to the Local Agency of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Local Agency under this contract shall, at the option of the State, become its property, and the Local Agency shall be entitled to receive just and equitable compensation for any services and supplies delivered and accepted. The Local Agency shall be obligated to return any payments advanced under the provisions of this contract.

Notwithstanding the above, the Local Agency shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the contract by the Local Agency, and the State may withhold payment to the Local Agency for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Local Agency is determined.

If after such termination it is determined, for any reason, that the Local Agency was not in default or that the Local Agency's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the parties shall be the same as if the contract had been terminated for convenience, as described herein.

Section 10. Legal Authority

The Local Agency warrants that it possesses the legal authority to enter into this contract and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind each party to its terms. The person(s) executing this contract on behalf of the Local Agency warrants that such person(s) has full authorization to execute this contract.

Section 11. Representatives and Notice

The State will provide liaison with the Local Agency through the State's Region Director, Region #, address, (Area Code) ###-####. Said Region Director will also be responsible for coordinating the State's activities under this contract and will also issue a "Notice to Proceed" to the Local Agency for commencement of the Work. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region # and the Local Agency. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either party may from time to time designate in writing new or substitute representatives.

If to State:
Name of Resident Engineer
Resident Engineer

If to the Local Agency:
Name of Local Agency Contact
Contact Title

CDOT Region #
Street Address
City, CO Zip Code
(###) ###-####

Local Agency
Street Address
City, CO Zip Code
(###) ###-####

Section 12. Successors

Except as herein otherwise provided, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 13. Third Party Beneficiaries

It is expressly understood and agreed that the enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement, shall be strictly reserved to the State and the Local Agency. Nothing contained in this contract shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the Local Agency that any such person or entity, other than the State and the Local Agency receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

Section 14. Governmental Immunity

Notwithstanding any other provision of this contract to the contrary, no term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as now or hereafter amended. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of § 24-10-101, et seq., C.R.S., as now or hereafter amended and the risk management statutes, §§ 24-30-1501, et seq., C.R.S., as now or hereafter amended.

Section 15. Severability

To the extent that this contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

Section 16. Waiver

The waiver of any breach of a term, provision, or requirement of this contract shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

Section 17. Entire Understanding

This contract is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved pursuant to the State Fiscal Rules.

Section 18. Survival of Contract Terms

Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this contract and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

Section 19. Modification and Amendment

This contract is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this contract shall be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved in accordance with applicable law.

Section 20. Funding Letters

The State may allocate more or less funds available on this contract using a Funding Letter substantially equivalent to Exhibit C and bearing the approval of the State Controller or his designee. The funding letter shall not be deemed valid until it shall have been approved by the State Controller or his designee.

Section 21. Disputes

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement will be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, the Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the Local Agency shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Local Agency shall proceed diligently with the performance of the contract in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals will be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

**STATE OF COLORADO:
BILL OWENS
GOVERNOR**

LOCAL AGENCY

Legal Name of Contracting Entity

By _____
For Executive Director
Department of Transportation

XXXXXXXXXX

Social Security Number or FEIN

Signature of Authorized Officer

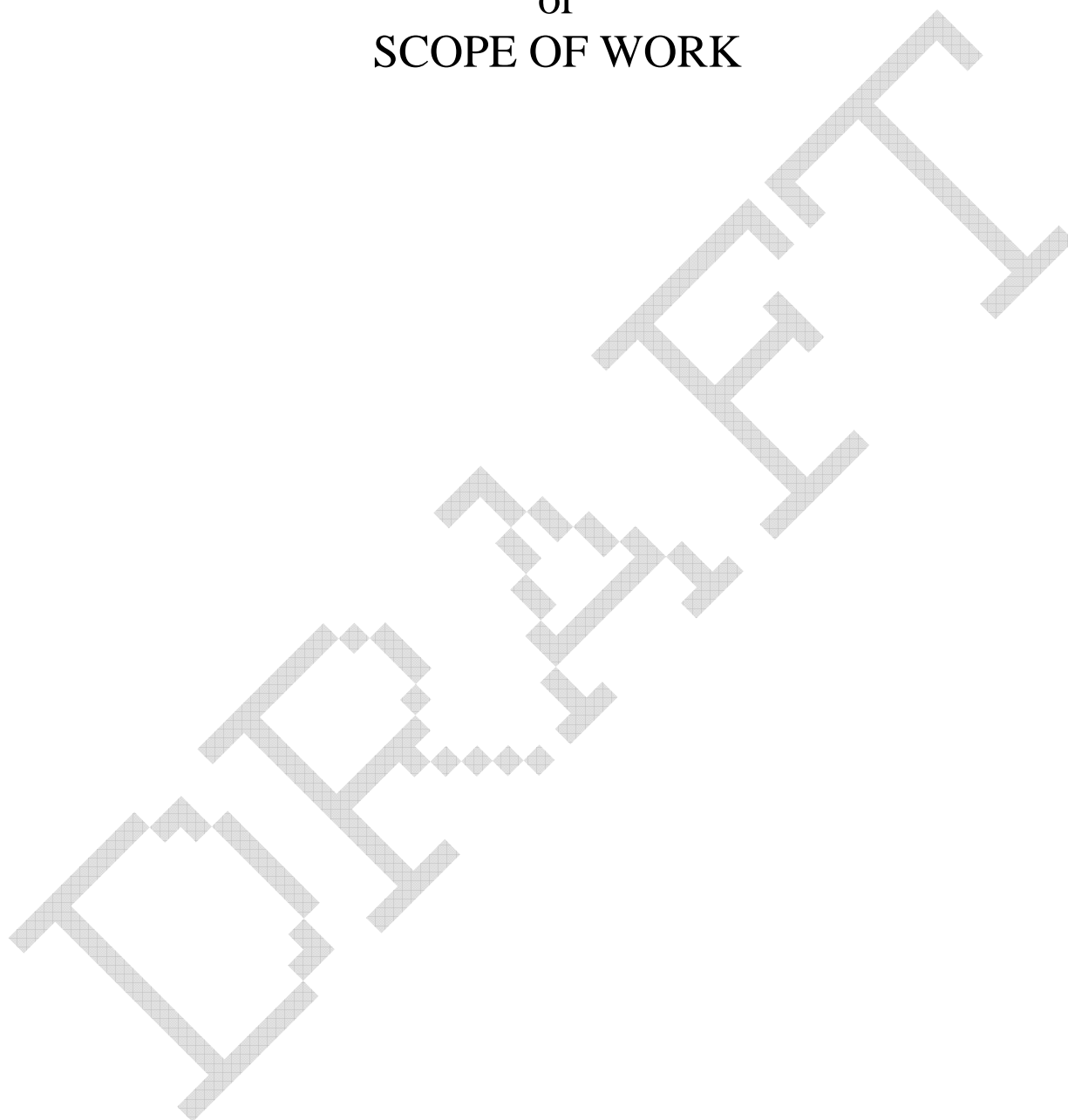
Print Name & Title of Authorized Officer

CORPORATIONS:
(A corporate seal or attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/Local Agency/County Clerk)

Effective: June XX, 2005

FORM 463
or
SCOPE OF WORK



LOCAL AGENCY
ORDINANCE
or
RESOLUTION

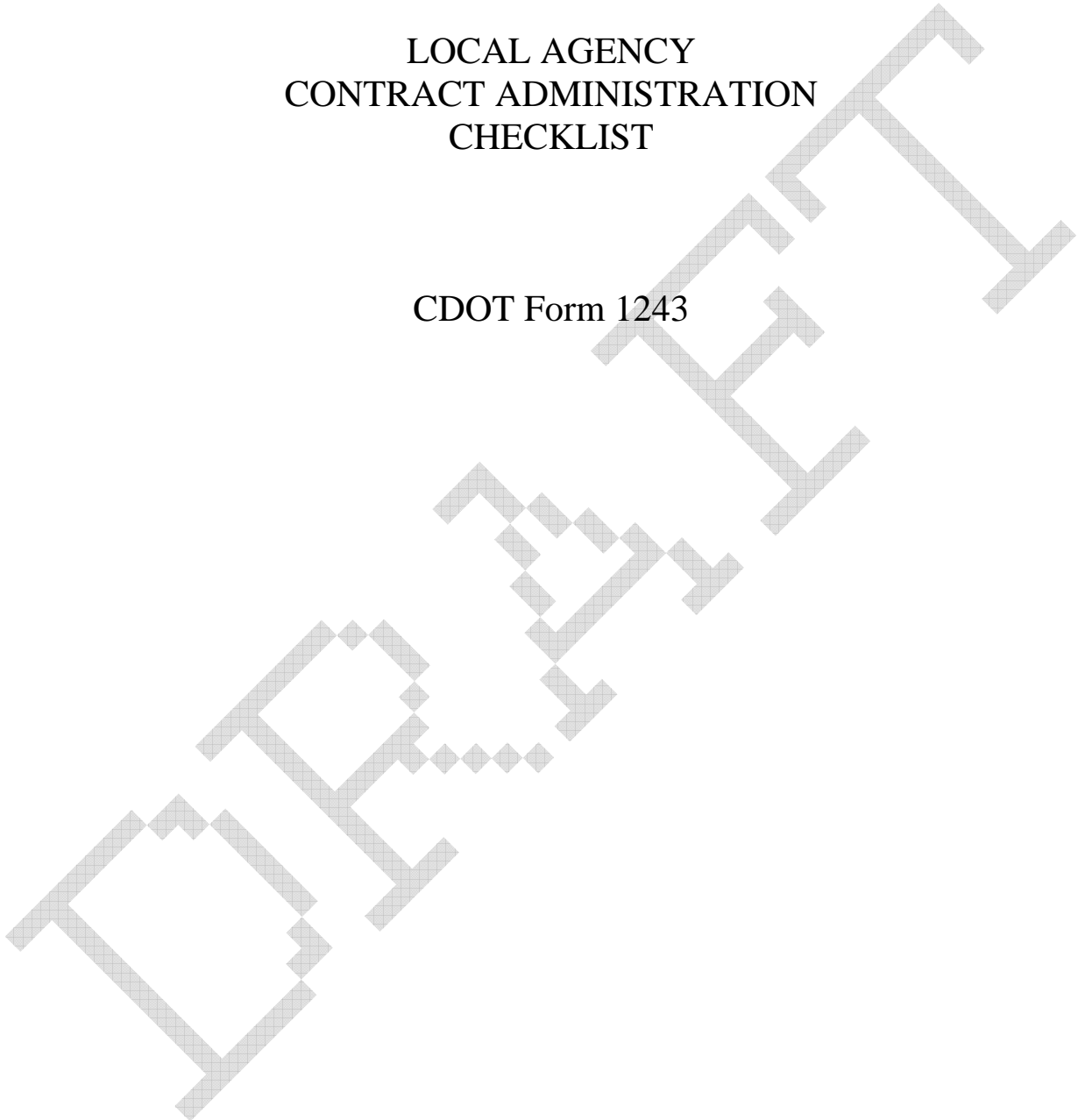


Exhibit C

COLORADO DEPARTMENT OF TRANSPORTATION FUNDING INCREASE/DECREASE AND APPROVAL LETTER				CONTRACT Region: _____ Complete section 1 and submit to CDOT Controller's office.		AUTHORITY: State Controller Policy letter on June 12, 1996 CDOT Controller letter on May 23, 1996			
(1) This form to be used for the following contracts/situations only (check the appropriate situation): <input type="checkbox"/> indefinite quantity, order more/add more <input type="checkbox"/> utility/railroad, underestimated total cost <input type="checkbox"/> CDOT construction, sum of CMO's <input type="checkbox"/> LA construction, underestimated cost <input type="checkbox"/> CDOT construction, underestimated total cost <input type="checkbox"/> CDOT consultant, underestimated cost									
SECTION 1 (Region use)									
Date: (2)							Project code (3)		
To: CDOT Controller (FAX #(303) 757-9573 or e-mail CONTROLLER)							Project # (4)		
From: Region # (5)		Office: (5)				Phone # (5)		FAX # (5)	
CDOT has executed a contract with: (6)									
Address: (6)									
FEIN # (6)				Contract routing # (7)			COFRS encumbrance # (indicate PO, SC or PG #) (8)		
Fund (9)	Orgn. (9)	Appro. (9)	Pgrgm. (9)	Func. (9)	Object/Sub-obj N/P (9)	GBL (9)	Reporting Catg. (9)	Proj/Sub/Phase (9)	
Original contract amount \$ (10)				Has a Budget Request been processed to cover the contract amount increase? <input type="checkbox"/> yes <input type="checkbox"/> no (14)					
Previous Funding Letter(s) total \$ (11) <small>(Funding letter #1 thru #___)</small>				Preparer's name (15) PHONE NO: _____					
This Funding Letter total \$ (12) <small>(#___)</small>				Contract Administrator's/Business Manager's Approval (16) PHONE NO: _____					
Adjusted contract amount \$ (13)				CDOT Designee Approval (17)					
				Local Agency approval (18)					
SECTION 2 (Controller's Office use) (19)									
Total allotment amount \$ (19)				Commission budget \$ (19)					
If construction: <input type="checkbox"/> CE pool elig. (19)		CE charges \$ (19)		Indirect chgs \$ (19)		Adjusted contract amount plus total CE & indirect charges calculation \$ (19)			
I have reviewed the financial status of the project, organization, grant and have determined that sufficient funds are available to cover this increase, effective as of _____ (19)									
State Controller or Delegee (20)								Date (20)	

**LOCAL AGENCY
CONTRACT ADMINISTRATION
CHECKLIST**

CDOT Form 1243



INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20__, by and among the State of Colorado for the use and benefit of THE COLORADO DEPARTMENT OF TRANSPORTATION, hereinafter referred to either as “CDOT” or as the “State,” and the CITY OF WESTMINSTER, 4800 West 92nd Avenue, Westminster, CO 80031, FEIN: 846000726, hereinafter referred to as the “Local Agency”.

FACTUAL RECITALS.

1. Required approval, clearance, and coordination have been accomplished from and with appropriate agencies.
2. Pursuant to §43-2-144 C.R.S., as amended, § 43-3-101 C.R.S., as amended, §43-2-147 C.R.S., as amended, § 29-1-203 C.R.S., as amended, and State Highway Access Code, 2 CCR 601-1, as amended, the State may contract with the Local Agency to provide for the design, construction, and maintenance of highways that are part of the state highway system or that are part of the Local Agency’s road system.
3. Pursuant to the terms of CDOT’S Policy Directive #1601.0, hereinafter referred to as the “Policy Directive,” the Local Agency may apply for permission to, and may be permitted to enter into, an Intergovernmental Agreement, hereinafter referred to as an “IGA,” with CDOT to delineate ownership of, and to design, construct, and maintain a new interchange on a major state highway, entirely, or principally without cost to CDOT.
4. The Local Agency has taken steps under the Policy Directive to secure this IGA regarding a new Interchange at I-25 and 144th Avenue in Adams County, Colorado.

5. For the purposes of this IGA, the “I-25 & 144th Avenue Interchange” (hereafter, the “Interchange”) shall be an “interchange,” as defined in the State of Colorado’s State Highway Access Code, Volume 2, CCR 601-1.5(45), (i.e., “a facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structures and the ramps are considered part of the interchange.”), and shall include all of the proposed improvements located within the CDOT ROW, including the existing and proposed ROW, as shown on Exhibit A, attached.”
6. For the purposes of this IGA, “Local Agency Project” shall be defined as the proposed improvements outside of the CDOT ROW, as shown on Exhibit A.
7. For the purposes of this IGA, wherever the words, “Ramp,” or “Ramps” occur respective to the I-25 & 144th Avenue Interchange, the endpoints of the Ramp or Ramps are defined by the points of curvature return for 144th Avenue, as illustrated on Exhibit A.
8. The Local Agency and CDOT, collectively hereinafter referred to as the “Parties,” desire to enter into this IGA to designate ownership of the Interchange and to establish responsibilities, including financial commitments, for the Interchange’s design, construction, and maintenance.
9. Pursuant to the Policy Directive, the Parties have made the Interchange part of both the Transportation Planning Region’s approved constrained Regional Transportation Plan and the approved Statewide Transportation Plan (STIP # DR6243).
10. By its Resolution, Number TC-990, the Transportation Commission of Colorado, hereinafter referred to as the “Commission,” accepted, as meeting the standards set forth in the Policy Directive, the Local Agency’s Interchange System and Project Level Feasibility Study and the Local Agency’s Interchange Management Plan regarding the Interchange.
11. Pursuant to the Policy Directive, the Local Agency: 1) has undertaken appropriate Environmental Studies to document environmental, social, and economic effects of the

Interchange and its relation to the existing public highway system; 2) has prepared and submitted to CDOT, for its review and comment, drafts of the necessary, relevant Environmental documents; and, 3) will prepare and submit to CDOT and to the FHWA, for their respective approvals, final versions of the necessary, relevant Environmental documents.

12. In anticipation of this Agreement, CDOT has established CDOT Project STU M286-011 (14594), hereinafter referred to as the “Project,” to include its design and construction review and oversight services related to the Interchange and the environmental assessment oversight services related to both the Interchange and the Local Agency Project.

13. The Local Agency desires that CDOT provide design and construction review and oversight services for the Local Agency Project, for which the Local Agency will reimburse CDOT. CDOT has budgeted funds in the Project accordingly, to permit CDOT’s personnel to charge their review and oversight services related to the Interchange design and construction and Local Agency Project environmental assessment for later reimbursement by the Local Agency.

14. The Local Agency has submitted a preliminary version of CDOT form #463 (Exhibit “B,” attached, and by this reference, incorporated herein) describing the general nature of the work comprising the Project. The Local Agency understands that, before the Project work actually begins, the Form #463 description of the Project work in CDOT form #463 may change due to design revisions that CDOT, in conjunction and coordination with the Local Agency, may make to the Interchange design through CDOT’s internal review process.

15. The “Work” of this IGA includes the following efforts, each of which is more particularly described in Section VI, below: 1) Environmental Review, 2) Preconstruction Activities; 3) Construction Activities; and, 4) Maintenance Activities.

16. The Local Agency has estimated the total cost of the Work is prepared to provide one-hundred percent (100%) of the funding required to complete the Work (excluding Maintenance Activities) located in the Interchange, including the cost to reimburse CDOT for its review and oversight services related to the Interchange design and construction and to the Interchange and

Local Agency Project's environmental assessment.

17. The Local Agency has made funds available to cover its share of the estimated costs related to the Preconstruction Activities and Construction Activities portions of the Work, including the cost to reimburse CDOT for its review and oversight charges.

18. The Local Agency has determined that it will be able to meet the Maintenance Activities of the Work, which continue into the indefinite future.

19. The City of Westminster's authorized representatives have duly passed and adopted the appropriate ordinance or resolution (Exhibit "C," attached, and, by this reference, incorporated herein).

20. This contract is executed under the authority of §§ 43-2-104.5, 29-1-203, 43-1-105, 43-2-102 (or 103), 43-1-116, 43-2-103, and 43-2-144, C.R.S., as amended, CDOT'S Policy Directive #1601.0, as revised, the ordinance or resolution of the City of Westminster.

NOW, THEREFORE, it is hereby agreed that:

I. PROJECT FEATURES

A. The Work under this contract shall consist of the Preconstruction, Construction, and Maintenance, as more particularly described in Section VI, Specific Areas of Work Responsibility, below.

B. The property interests associated with the Interchange under this contract shall, as required by the Policy Directive, include, but not be limited to the ownership of the following:

1. Right of way and access control;
2. Ramps associated with the Interchange;

3. Physical features and related facilities of the Interchange, including, e.g., the Interchange Structure, and the Interchange Structure's associated lighting, culverts, etc.;
4. Other Interchange-related facilities, as appropriate, e.g., bike paths, traffic lights, pedestrian facilities, park-and-ride facilities, etc.

C. The division of property associated with the Interchange shall be as follows:

1. The Local Agency shall own all of the Interchange improvements, except the improvements designated as CDOT property in sub-paragraph I.C.2, below.
2. CDOT shall own the mainline and each of the Ramps leading to and from the Interchange, including each of the Ramps' guardrails.
3. CDOT and the Local Agency shall have the right of access to all of the property associated with the Interchange.

II. INCORPORATION BY REFERENCE

All state statutes, regulations, specifications, directives, procedures, documents, and publications that are specifically identified and/or referenced in this contract, together with all exhibits and attachments and addenda to this contract, are incorporated herein by this reference as terms and conditions of this contract as though fully set forth.

III. PROJECT FUNDING PROVISIONS

A. The total cost of both the Work, excluding the cost of the Maintenance portion of the Work, and the Project, which includes the additional costs to reimburse CDOT for design and

construction review and oversight services, shall be borne by the Local Agency, and shall be at no cost to CDOT. This total cost shall, as required by the Policy Directive, include all costs associated with the development and construction of the Interchange, unless otherwise excluded in this IGA, including, but not limited to the total costs for the following: 1) completion of all environmental studies; 2) required environmental mitigation; 3) preliminary design; 4) purchase of any required right of way; 5) utility relocation; 6) final design; 7) actual construction; 8) minimum landscaping; 10) landscaping above minimum standards; 11) minimum lighting; 12) lighting above minimum standards; 13) traffic control signals and signs; 14) additional improvements to the corridor; and 15) CDOT staff costs for review and oversight. Upgrades or redesigns of the structure in the future, as well as future capacity improvements, shall seasonably be addressed, as needed, among the Parties, under the terms of a formal Amendment to this Agreement. The Local Agency has estimated the total cost of the Interchange, the Project, and the Local Agency Project to be \$26,500,000, which shall be funded as follows:

	Interchange and Local Agency Project Costs
City of Westminster funding	\$26,500.000.00
Total Funds:	\$26,500,000.00

B. CDOT shall perform, at its costs, the Maintenance Activities for the Interchange Ramps, from asphalt line to asphalt line, Ramp guardrails, and I-25 mainline, roadway shoulders, and median barriers. The total cost of all other Maintenance Activities, for the indefinite future, shall be borne by the Local Agency and shall be at no cost to CDOT. It is understood by the Parties that the total cost of the Maintenance Activities presumes the Maintenance Activities will be conducted as prescribed by generally accepted CDOT practices, and will include, as required by the Policy Directive and as appropriate and unless otherwise excluded in this IGA, the following features and activities, as more particularly set out in Exhibit “D,” attached: 1) surface condition on the structure; 2) surface condition on the Ramps; 3) general maintenance of the structure; 4) rehabilitation of the structure; 5) replacement of the structure; 6) landscaping and irrigation; 7) lighting; 8) traffic signals; 9) signs; 10) drainage; 11) structure inspection costs; 12) other utilities’ costs; 13) safety features such as guardrail, etc.; 14) pavement markings; 15) snow

and ice control; 16) overall general maintenance such as sweeping, painting, trash pick-up, etc.; 17) bike paths, pedestrian features; 18) operation of traffic control equipment; 19) all other transportation demand management activities; and 20) any other activities necessary to preserve the functional integrity of the Interchange, the State Highway system, and the surrounding local transportation system.

C. The maximum amount payable by the Local Agency to the State under this IGA for CDOT's services shall be \$112,050.00 based on the CDOT estimate described in Exhibit "E" attached hereto, unless such amount is increased by an appropriate written modification to this IGA executed before any increased cost is incurred. It is understood and agreed by the Parties hereto that the total cost of the Work stated above is the best estimate available, based on the design data as approved at the time of execution of this IGA, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the Parties prior to bid and award.

D. The Parties hereto agree that this IGA is contingent upon all funds designated for the Work, as set out in Section III, above, being made available from the Local Agency's sources, as applicable. Should these sources fail to provide necessary funds as agreed upon herein, the IGA may be terminated by any of the Parties, provided that any Party terminating its interest and obligations herein shall not be relieved of any obligations which existed prior to the effective date of such termination or which may occur as a result of such termination. In the event that any portion of the Work is to be bid, this IGA may not be terminated following award of any construction contract.

IV. PROJECT PAYMENT PROVISIONS

A. The Local Agency will reimburse CDOT for its incurred direct costs for design and construction review and oversight services relative to the Work up to a maximum of \$112,050.00, following the Local Agency's review and approval of such charges, and subject to the terms and conditions of this IGA.

B. If the Local Agency is to be billed for CDOT incurred direct costs, the billing procedure shall be as follows:

1. Upon receipt of each bill from CDOT, the Local Agency will remit their portion of the amount billed to CDOT no later than 30 days after receipt of each bill. Should the Local Agency fail to pay moneys due CDOT within 30 days of demand or within such other period as may be agreed upon in writing between the Parties hereto, the Local Agency agrees that at the request of CDOT, the State Treasurer may withhold an equal amount from future apportionments due the Local Agency, from the Highway Users Tax Fund and to pay such funds directly to CDOT. Interim funds, until CDOT is reimbursed, shall be payable from the State Highway Supplementary Fund (400).
2. If the Local Agency fails to make timely payment to CDOT as required by this section (within 45 days after the date of each bill), the Local Agency, as applicable, shall pay interest to CDOT at a rate of one percent per month on the amount of the payment which was not made in a timely manner, until the billing is paid in full. The interest shall accrue for the period from the required payment date to the date on which payment is made.

V. LIAISON AND COMMUNICATION

CDOT will provide liaison with the Local Agency through CDOT's Region Director, Region 6, 2000 South Holly Street, Denver, CO 80222 (303) 757-9459. Said Region Director will also be responsible for coordinating CDOT's activities under this IGA. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region 6 and the Local Agency. Until changed by notice in writing, all such notices and communications shall be addressed as follows:

If to the State:

John Schwab
CDOT Region 6
2000 South Holly Street
Denver, CO 80222
(303) 370-2041

If to the City of Westminster:

David W. Loseman
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031
303/430-2400, extension 2125

VI. SPECIFIC AREAS OF WORK RESPONSIBILITY

The Local Agency shall be responsible to perform all tasks, as are identified herein, that are needed to complete the following: 1) Preconstruction Activities, as described below; 2) Construction Activities, as described below; and, 3) Maintenance Activities, as described below. CDOT shall provide design and construction review and oversight services relative to the non-Maintenance portions of the Work, including oversight of the environmental assessment of the Interchange and the Local Agency Project, and shall perform the Maintenance activities described below.

In performing each of the tasks comprising the Work, each of the Parties agrees to comply with:

1) applicable requirements and standards in applicable laws, regulations, policies, procedures, and guidelines; and 2) applicable terms and conditions of this IGA, including those process and task requirements and standards addressed below.

A. DESIGN.

The Local Agency shall be responsible for all design aspects of the Work. In performing the design aspects of the Work, the Local Agency shall comply, and shall ensure that any Consultant it hires to perform any part of the design aspects of the Work, shall comply with: 1) all current requirements of Federal and State Law and Regulations; 2) all applicable CDOT Manuals and Standards (including, e.g., the State's Roadway and Bridge Design Manuals and Standard Specifications for Road and Bridge Construction); and 3) the requirements of the latest edition of the American Association of State Highway Transportation Officials (AASHTO) manual.

B. CONSTRUCTION

The Local Agency shall be responsible for all Construction aspects of the Work, including pre-construction activities, construction, and construction administration. In performing the Construction aspects of the Work, the Local Agency shall comply, and shall ensure that any Consultant it hires to perform any part of the Construction aspects of the Work, shall comply with: 1) all applicable Federal and State Law and Regulations; and, 2) all applicable CDOT Manuals and Standards (including, e.g., the State's Roadway and Bridge Design Manuals and Standard Specifications for Road and Bridge Construction). The State will perform a final project inspection prior to Work acceptance as a Quality Control/Assurance activity. When all Work has been completed in accordance with the plans and specifications, as certified through CDOT's oversight and inspections, the State will sign the FHWA form 1212.

C. RIGHT OF WAY

The Local Agency shall perform all necessary activities related to right of way acquisition and/or relocation, subject to State approval, as required by Sections 24-56-101, et seq., C.R.S. Prior to this project being advertised for bids, the Local Agency shall certify in writing that all right of way has been acquired in accordance with the applicable State and federal regulations, or that no additional right of way is required.

D. UTILITIES

The Local Agency shall be responsible for obtaining the proper clearance or approval from any utility company that may become involved in this project. Prior to this project being advertised for bids, the Local Agency shall certify in writing that all such clearances have been obtained.

E. HARDSCAPE MAINTENANCE.

The Local Agency shall, at its own cost and expense maintain, operate, and make ample provision each year for the maintenance of the Hardscape improvements, during their useful life, constructed under this IGA (Interchange roadway and structures), except for the Ramps onto and off of the Interchange, and the I-25 mainline, roadway shoulders and median barriers, which CDOT shall maintain at its own cost and expense during their useful life. The features of hardscape maintenance responsibility appear in Exhibits D.

Such maintenance and operations shall be in accordance with all applicable statutes and ordinances, and regulations promulgated thereunder, which define the Local Agency's obligations to maintain such improvements. CDOT will make periodic inspections of the project to verify that such improvements are being adequately maintained. CDOT will maintain the Ramps from asphalt line to asphalt line, which will include patching, paving, striping and guardrail repair.

F. LANDSCAPE MAINTENANCE

1. The Local Agency shall be responsible for maintenance of landscaped features within the Interchange, as indicated in Exhibit D. Said maintenance responsibilities shall include, but not be limited to irrigation, replacement of dead or diseased sod or other plants, mowing both native and irrigated grasses for aesthetics and weed control purposes, pruning, spraying of insecticides and fungicides, and trash removal. The Local Agency shall provide all personnel, equipment and other services necessary to satisfactorily perform such maintenance responsibilities, at no cost to the State.

2. The Local Agency shall provide water for irrigation purposes within the Interchange for the landscaped features under this agreement, at no cost to the State.

3. The Local Agency shall provide standard maintenance, including, but not limited to repairs, replacement, painting and graffiti removal, if necessary, to any new decorative landscape

retaining walls and City signs, at no cost to the State.

4. The Local Agency shall, at its own expense, provide sidewalk/bike path sweeping as needed, regardless of time of year, and snow and ice removal from all sidewalks/bike paths within the Interchange as shown in Exhibit A and indicated in Exhibit D. The State shall have no responsibilities for any sweeping or snow removal for sidewalks/bike paths. The Local Agency shall, at its own expense, repair any damage to sidewalks/bike paths, adjacent structures such as retaining walls, or landscaped features resulting from their maintenance activities, including damage resulting from broken or damaged irrigation systems, as soon as possible following the damage.

5. The State reserves the right to determine the conformance of the Landscape Maintenance by the Local Agency under this IGA. The State will notify the Local Agency in writing of any deficiency in the work. Upon notice of any deficiency in the Landscape Maintenance, either: a) by the State; or b) by its own observation; or c) by any other means, the Local Agency shall take action as soon as possible, but not later than 30 working days after such notice to correct the deficiency and to protect the safety of the traveling public. In the event the Local Agency, for any reason, does not, or cannot correct the deficiency within 30 working days, or does not demonstrate that action satisfactory to cure such default has been commenced and will be completed in a timely manner, or does not otherwise demonstrate that no deficiency exists, the State reserves the right to correct the deficiency and to bill the Local Agency for such work.

6. The Local Agency shall, during the term of this agreement, be permitted to enter upon the Interchange for the purpose of performing the maintenance activities. Local Agency shall use its reasonable efforts to restrict access to the Interchange to only those persons and equipment necessary to perform the work described in this agreement. The Local Agency and its agents, employees and assigns shall not use the mainline roadway of I-25 as a means of ingress or egress to and from the Interchange with respect to any Landscape Maintenance task to be performed by the Local Agency pursuant to the terms of this agreement. In lieu thereof, the Local Agency, its agents, employees, and assigns shall access the I-25 ROW from the city street, and Interchange Ramps.

7. The Local Agency shall require any contractors, consultants or agents performing Landscape Maintenance for the Local Agency under this agreement (hereinafter referred to collectively as “contractor(s)”) to maintain at all times and at such contractor’s sole expense, general liability insurance, in the amount of the least \$1,000,000.00 per occurrence, which amount may be in effect as of the date of execution of any contract, but which amount shall be adjusted from time to time to take into consideration the changes in the value of money and the changes in the financial risks for which the insurance is being carried. Such insurance shall be written by companies of recognized financial standing which are authorized to do insurance business in the State of Colorado. All insurance maintained pursuant to this paragraph shall name the State as an additional insured, and shall provide that no cancellation or reduction thereof shall be effective until at least thirty (30) days after receipt by the State of written notice thereof. The Local Agency shall, upon request, furnish the State with certificates of such insurance.

8. In the event that the Local Agency defaults on its landscape maintenance responsibilities, the State at its discretion may continue to maintain the landscape in accordance with the normal standards of the State or may allow the landscaped area to revert to its original (native) condition. In the event of such default by the Local Agency, the State reserves the right to bill the Local Agency for its work to cure the default.

9. The Local Agency acknowledges and agrees that the State may, in the future, expand the I-25 corridor, and in the event of such expansion, the landscaped features and other improvements being maintained by the Local Agency may be modified by the State, at the State’s expense. In the event of such modification, addition to or demolition of the I-25 corridor by the State, the State shall provide to the Local Agency, at least 180 days prior to the commencement of any such activities, written notice, which shall include specific descriptions of the impact of such activities upon the landscaped features. The State and Local Agency, mutually agree to fully cooperate with one another and to take all steps necessary to coordinate the activities to be performed by the State so as to minimize the impact upon and damage to the landscaped features and other improvements installed in the Interchange and to maximize the

salvage and preservation of the landscaping and other improvements to the Interchange during such work to be performed by the State. At the Local Agency's option, the Local Agency may remove any materials, artwork or growing stock located in such landscaped areas, provided that such removal occurs during the 180-day notice period.

10. As part of any future State work that impacts the Interchange landscaping, the State shall protect all Landscape beyond the work limits and shall restore all disturbed landscape between the work limits and the new edge of pavement to its condition immediately proceeding the State's work. The State shall also replace in kind, any landscaping damaged beyond the work limits. If the State does not restore or replace in kind all disturbed landscaping within 30 days of the completion of the State's work, or other mutually accepted date, the Local Agency reserves the right to restore the landscaping and to bill the State for such work.

VII. GENERAL PROVISIONS

A. This IGA may be terminated as follows:

(a) Termination for Cause. If, through any cause, any of the Parties shall fail to fulfill, in a timely and proper manner, its obligations under this IGA, or if any of the Parties shall violate any of the covenants, agreements, or stipulations of this IGA, the non-violating or non-defaulting Party or Parties shall thereupon have the right to terminate this IGA for cause by giving written notice to the violating or defaulting Party of its/their intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. Notwithstanding the above, the Local Agency shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of any breach of the IGA by the Local Agency. If after such termination it is determined, for any reason, that allegedly violating or defaulting Party was not in default, or that this Party's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the Parties shall be the same as if the IGA had been terminated for convenience, as described herein.

(b) Termination for Convenience. The Parties may terminate this IGA at any time the Parties determine that the purposes of the distribution of funds under the IGA would no longer be served by completion of the Work. The terminating Party shall effect such termination by giving written notice of termination to the other Parties and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. Termination for convenience shall not be permitted once construction has begun.

(c) Termination Due to Loss of Funding. The Parties hereto expressly recognize that CDOT is to be paid, reimbursed, or otherwise compensated with Local Agency's funds which are available to the Local Agency for the purposes of contracting for the Work provided for herein, and, therefore, CDOT expressly understands and agrees that all its rights, demands and claims to compensation arising under this IGA are contingent upon availability of such funds to the Local Agency. In the event that such funds or any part thereof are not available to the Local Agency, the Local Agency may immediately terminate or amend this IGA.

B. Notwithstanding the above, the terminating Party shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of the terminating Party's termination of the IGA.

C. Notwithstanding anything herein to the contrary, the Parties understand and agree that all terms and conditions of this IGA and attachments hereto which may require continued performance or compliance beyond the termination date of the IGA shall survive such termination date and shall be enforceable by CDOT as provided herein in the event of such failure to perform or comply by the Local Agency.

D. This IGA is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this IGA on the effective date of such change as if fully set forth herein. Except as specifically provided otherwise herein, no modification of this IGA shall be effective unless agreed to in writing by all Parties in an amendment to this IGA that is properly executed and approved in accordance with applicable law.

E. To the extent that this IGA may be executed and performance of the obligations of the Parties may be accomplished within the intent of the IGA, the terms of this IGA are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

F. This IGA is intended as the complete integration of all understandings among the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or affect whatsoever, unless embodied herein by writing.

G. Except as herein otherwise provided, this IGA shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

H. The Local Agency represents and warrants that it currently has no interest, and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of its obligations under this IGA. The Local Agency further covenants that, in the performance of this IGA, it will not employ any person or firm having any such known interests.

I. This IGA shall become "effective" only upon the date it is executed by CDOT. The term of this IGA shall begin on the date first written above and shall continue through the completion and final acceptance of this Project by CDOT and the Local Agency.

J. If a conflict occurs between the provisions of this IGA proper and the attachments hereto, the priority to be used to resolve such a conflict shall be as follows:

1. This IGA proper;
2. Other IGA attachments and exhibits, in their respective order.

K. It is expressly understood and agreed that the enforcement of the terms and conditions of this IGA, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, and nothing contained in this IGA shall give or allow any such claim or right of action by any other or third person on such IGA. It is the express intention of the Parties that any person or entity other than the Parties receiving services or benefits under this IGA be deemed to be an incidental beneficiary only.

L. Each Party assures and guarantees that it possesses the legal authority to enter into this IGA. Each Party warrants that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this IGA and to bind the Party to its terms. The person(s) executing this IGA on behalf of the each Party warrant(s) that they have full authorization to execute this IGA.

IN WITNESS WHEREOF, the Parties hereto have executed this contract the day and year first above written.

**STATE OF COLORADO
BILL OWENS, GOVERNOR**

**By _____
Executive Director
DEPARTMENT OF TRANSPORTATION**

ATTEST: (SEAL)

**CITY OF WESTMINSTER,
FEIN: 846000726**

Michelle Kelley, City Clerk

J. Brent McFall, City Manager

**APPROVED AS TO FORM:
Martin R. McCullough, City Attorney**

EXHIBIT D

I-25/144TH INTERCHANGE MAINTENANCE RESPONSIBILITIES

Page 1 of 2

Westminster

Hardscape Maintenance

- Bridge structure and deck
 - Maintenance
 - Repair
 - Replacement
- Bridge inspection (coordinate with CDOT Staff Bridge Department)
- 144th Avenue
 - Lighting
 - Signs
 - Signals
 - Striping
 - Roadway surface
 - Patching and paving
 - Snow and ice removal
 - Sanding
 - Sweeping
 - Guardrail

Landscape Maintenance

- Irrigation system (including damage to structural or hardscape elements resulting from broken or damaged irrigation systems)
- Cost for water usage
- Replacement of dead or diseased sod, or other plants
- Mowing of both native and irrigated grasses
- Pruning
- Spraying of insecticides and fungicides
- Trash removal
- Landscape Retaining walls
 - Repairs, replacement, painting and graffiti removal
- Sidewalks/bike paths
 - Sweeping
 - Snow and ice removal
 - Repair and replacement
- Return to native grasses if Westminster fails to maintain

EXHIBIT D

I-25/144TH INTERCHANGE MAINTENANCE RESPONSIBILITIES

Page 2 of 2

Colorado Department of Transportation

Hardscape Maintenance

I-25 Mainline and shoulders

Northbound and Southbound ramps (asphalt line to asphalt line)

Includes: patching, paving, striping and guardrail, signs

Median barriers

Landscape Maintenance

None

EXHIBIT E

Page 1 of 1

CDOT Estimated Direct Costs for Right of Way, Design and Construction Review and Oversight Services**Right of Way**

	Hours	Rate/hour	Sub-total	Totals
Surveying/Plans	20	\$50.00	\$1,000.00	
Appraisal (10 ownerships x 20 hrs/ownership)	200	\$50.00	\$10,000.00	
Clearance Package	24	\$50.00	\$1,200.00	
Progress Meetings (2 people x 4 meetings x 2 hrs/meeting)	16	\$50.00	\$800.00	
Property Management	40	\$50.00	<u>\$2,000.00</u>	\$15,000

Preconstruction (Design)

FIR				
Review Plans	40	\$80.00	\$3,200.00	
Attend Meeting	40	\$80.00	\$3,200.00	
FOR				
Review Plans	80	\$80.00	\$6,400.00	
Attend Meeting	40	\$80.00	\$3,200.00	
Progress Meetings	80	\$80.00	\$6,400.00	
Access Approval	18	\$80.00	\$1,440.00	
Environmental Review	320	\$80.00	<u>\$25,600.00</u>	\$49,440.00

	Hours	Rate/hour	Sub-total	
Construction				
Tester	72	\$46.00	\$4,968.00	
PE-I	288	\$80.50	\$23,184.00	
PE-II	108	\$103.50	\$11,178.00	
PE-III	72	\$115.00	<u>\$8,280.00</u>	\$47,610.00
Construction is based on an 18 month time frame				<hr/>

TOTAL **\$112,050.00**

SAMPLE SYSTEM LEVEL STUDY APPROVAL RESOLUTION – MODIFY AS
APPROPRIATE

Number TC -

WHEREAS, in April 2021 the Transportation Commission approved revisions to Policy Directive 1601 concerning the state highway interchange approval process; and

WHEREAS, the (*sponsoring local government*) has completed a System Level Study (*and other applicable studies as appropriate*) for a proposed new interchange at _____
(*project location*); and

WHEREAS, in accordance with the Policy Directive 1601, the staff of the Colorado Department of Transportation (CDOT) has reviewed the Systems Level Study and found it to be consistent with the Policy Directive 1601; and

WHEREAS, in accordance with the Policy Directive 1601, the Systems Level Study documents the need for the proposed Interchange at (*project location*) to accommodate anticipated travel volumes at acceptable levels of service for the next 20 years; and

WHEREAS, the proposed interchange will provide (*further proposed project benefits*); and

WHEREAS, the cost to construct the proposed Interchange is estimated to be (\$) million in (*current year*) dollars; and

WHEREAS, the (*sponsoring local government*) is funding 100 percent of the construction of the Interchange at (*project location*) and is requesting no financial support or in-kind assistance from CDOT for these efforts; and

WHEREAS, all costs and responsibilities associated with project maintenance and operations shall be determined through an Intergovernmental Agreement (IGA) between the (*sponsoring local government*) and CDOT consistent with the financial plan in this Systems Level Study; and

WHEREAS, approval of the Final Maintenance and Operations IGA by the Chief Engineer consistent with the financial plan included in the Systems Level Study is necessary prior to construction; and

WHEREAS, in accordance with the Policy Directive 1601, the (*sponsoring local government*) was an active participant in the System Level Study and is in agreement with the proposed project and financial plan as described in the System Level Study; and

WHEREAS, Transportation Commission approval of the Systems Level Study is

contingent upon CDOT (*and FHWA on the Interstate System*) approval of the proposed (*corresponding environmental document*) for this project; and

WHEREAS, the Transportation Commission recognizes that this approval is the not final approval step, and recognizes that, should the environmental document identify a preferred alternative different from that identified in the Systems Level Study, the Transportation Commission will reconsider the Systems Level Study; and

WHEREAS, approval of a proposed project by the Transportation Commission is contingent on the inclusion of the proposed project by the (*applicable MPO/TPR*) in the fiscally constrained regional transportation plan and transportation improvement program; and

WHEREAS, the Transportation Commission recognizes that this approval does not ensure incorporation of the proposed interchange in the constrained regional transportation plan by the corresponding MPO/TPR.; and

WHEREAS, the (*sponsoring local government*) must obtain approval of the applicable FHWA interchange access, design and environmental decision documents by the CDOT Chief Engineer and/or FHWA prior to final approval by the Chief Engineer; and

WHEREAS, the applicant must demonstrate significant progress towards implementation of the project within 3 years of the date of approval this resolution.

NOW THEREFORE BE IT RESOLVED,

The Transportation Commission approves the Systems Level Study for the Interchange Improvements at (*project location*) pending:

1. Inclusion of the proposed interchange in the fiscally constrained regional transportation plan and state transportation improvement program; and
2. Completion and approval of the appropriate environmental decision document consistent with the CDOT Environmental Stewardship Guide; and
3. Approval of applicable interchange access, design, Transportation Demand Management strategies and environmental permitting documents by the appropriate agencies; and
4. Approval by the Chief Engineer of an IGA for the financing, construction, maintenance and operations of the facilities associated with the construction of the Interchange consistent with the Systems Level Study.

The Chief Engineer is authorized to enter into an IGA with the applicant for the construction, maintenance and operations of the facilities associated with the construction, operations and maintenance of the Interchange at (*project location and*

sponsoring local government) consistent with this Systems Level Study.

Appendix I

TO: CDOT Chief Engineer

FROM: Regional Transportation Director

RE: Approval Request for Interchange Modification at (project location) - 1601 Type 2 interchange application

Purpose: Approval of Type 2 1601 Interchange Approval

I approve: _____ Date: _____
Craig Siracusa, Chief Engineer

Local Agency Applicant:

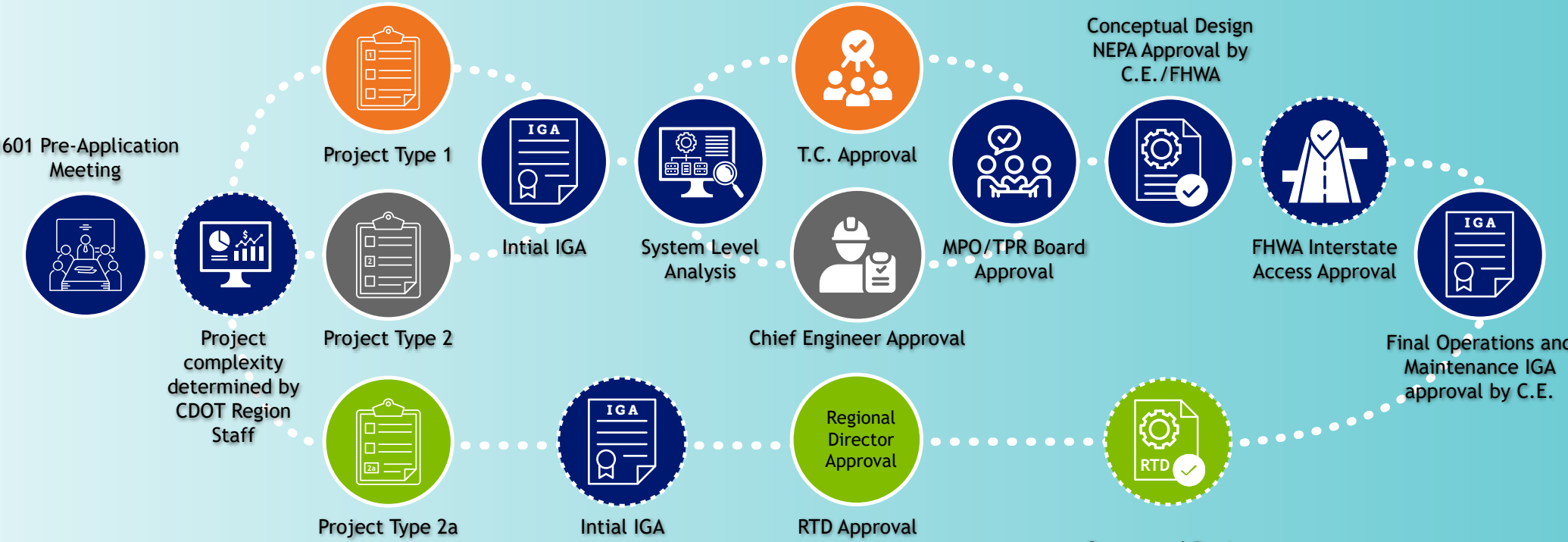
The approval request should address all applicable items identified below:

1. Project description –
 - General project description, including a summary (as applicable) of:
 - Purpose/need for proposed project
 - Map and description of the proposed new or revised access and explanation of the need for the access point. Include a demonstration that the access is to a regionally significant roadway or a regionally significant publicly owned facility.
2. Alternatives Considered - Description of alternatives considered and why the selected alternative was chosen. Identify the criteria used to evaluate alternatives and the results of screening.
3. Summary of Traffic Analysis - Analysis of traffic current and design year volumes, level of service, and safety before and after the proposed improvement. Analysis should included the surrounding system, including, at a minimum in urbanized and urbanizing areas, an analysis area that includes adjacent interchanges and the surrounding local transportation network.
4. Summary of public/local/FHWA and resource agency outreach/concerns and consistency with local land use plans - Summarize public outreach, significant concerns and issues and how they have been addressed and or mitigated.
5. Access management Issues - Summarize significant access management issues that may be associated with the proposal.

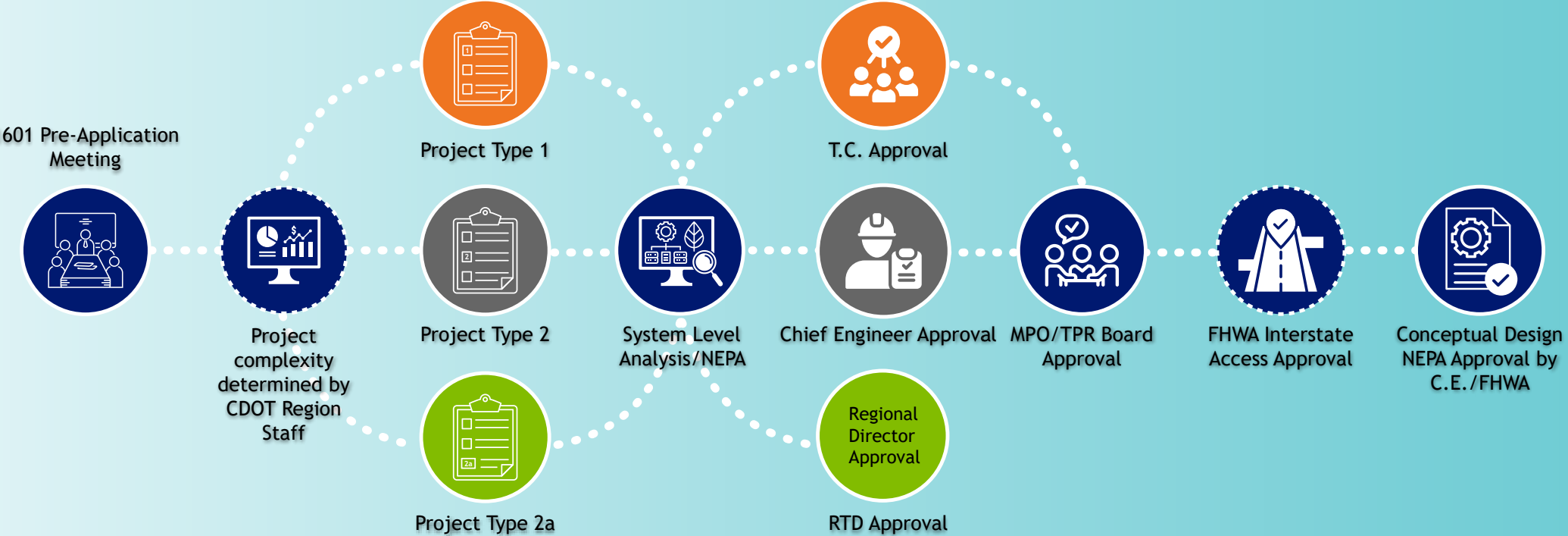
6. Recommended Reasonable Alternatives for Detailed Analysis – Summarize recommended “reasonable” alternative(s) that meet the purpose and need for the project and should proceed to the next levels of evaluation in the NEPA process.
7. Consistency with Regional Transportation Plan, TIP, STIP –Summarize any issues/concerns/schedule for including the proposed project in the fiscally constrained regional transportation plan.
8. Environmental process update – Status of the environmental process and anticipated completion date.
9. Implementation Plan - Summarize the anticipated plan for construction, management and operations of the proposed interchange, including financing and long term responsibilities.
10. Final IGA: Schedule for completion of Final IGA.
11. Other Information: Any other information relevant to the decision.

Appendix J: 1601 Process Flow Chart

Local Agency Initiated Interchange Proposals



CDOT Initiated Interchange Proposals



System Level Study Guidance

A system level study scope should be identified that shows the build and no-build conditions of the highway network on both opening day, and for a design year, typically twenty years into the future. If phased construction of interchange improvements is proposed, both build and no-build conditions should be modeled for the timeframes that the phases will be constructed. The extents of the traffic study should include sufficient area to demonstrate the limits of non-negligible traffic impacts to the network. At a minimum, this would be at the interchange proposed, and the adjacent existing interchanges on the subject freeway or Interstate. Such a three interchange limit would be appropriate in a more rural area, where there are no adjacent state highway alternate routes that could be impacted by traffic surcharges from the subject freeway or interstate. In more urban areas, or for interchanges that are expected to generate proportionally large traffic loads in relation to the existing facilities, a more extensive study is warranted. Such a model should include adjacent portions of the state highway network and examine how the proposed interchange impacts those areas. The study should extend far enough away from the proposed interchange to demonstrate the limits of traffic impacts of the proposed interchange. The intent is that the study should extend out to elements in the network that have essentially the same traffic performance in both the build and no-build models. In any study, simple or extensive, the no-build condition models shall be compared to the build condition models to identify the traffic impacts generated by the proposed interchange. The applicant would be responsible to mitigate any such traffic impacts throughout the network.

The study shall include:

- **A layout of the interchanges, both existing and future, as well as the limits of the impacted adjacent state highway network.**
- **Maps of all model iterations, showing traffic volumes and Levels of Service (LOS) throughout.**
- **Highway Capacity Data Input and Output, and documentation for any software used in the analysis.**
- **A project-specific Transportation Demand Management (TDM) plan.**

All information shall be included in the study as a stand-alone document. It shall not reference other documents such as Environmental Documents or Feasibility studies. Any information that is required to support the conclusions in the study must be included in the study.

Basic Information in the study that will be used to evaluate the proposed interchange and access:

- Sketch/Layouts, etc., to show the relationship to adjacent interchanges and ramps along with lane configuration.
- Distances between ramps.
- Design speed and Grades
- Truck percentages – mainline/ramps/other.
- Adjacent factors (peak factor, etc.).
- Traffic volumes – mainline, ramps, impacted intersections/roadways for each option (including no-build).

- AM/PM peaks, ADTs. Weekend/Weekday peaks and ADTs as appropriate on the corridor; both on Opening Day and Design Year
- Traffic analysis (minimum – HCM procedures)
- Mainline/ramp capacities
- Weave sections
- Merge/diverge checkpoints (including adjacent interchanges)
- Impacted intersections/roadways capacity.
- Attached illustrations are clear and cover an adequate area.

2.12 Access Control Plans

(1) Either the Department or the appropriate local authority may, at its discretion, develop an access control plan for a designated portion of state highway. An access control plan provides the appropriate local authority and the Department with a comprehensive roadway access design plan for a designated portion of state highway for the purpose of bringing that portion of highway into conformance with its access category and its functional needs to the extent feasible given existing conditions. The plan should achieve the optimum balance between state and local transportation planning objectives, and preserve and support the current and future functional integrity of the highway.

(2) The access control plan shall indicate existing and future access locations and all access related roadway access design elements, including traffic signals, that are to be modified and reconstructed, relocated, removed, added, or remain. The plan shall not preclude the current or future accommodation of other transportation modes of bicycles, pedestrian and transit. All traffic control devices or modifications shall meet the requirements of the M.U.T.C.D. as required by state and federal statutes. To the extent practical the plan shall meet the functional characteristics and design standards of the assigned category and conform to all standards and specifications in the Code. To determine the sufficiency and ensure that the plan will be successful, a study will be completed incorporating the appropriate elements of Code section 2.3 and included as supporting information for Department review. At least one advertized public meeting shall be held during the development phase of the plan. All property owners of record abutting the state highway within the plan limits shall be notified by the Department or the appropriate local authority of the proposed plan and afforded the opportunity to submit any information, data and agreements regarding the proposed plan.

(3) The plan must receive the approval of both the Department and the appropriate local authority to become effective. This approval shall be in the form of a formal written agreement signed by the local authority and the Chief Engineer of the Department. After an access control plan is in effect, modifications to the plan must receive the approval of the local authority and the Department. Where an access control plan is in effect, all action taken in regard to access shall be in conformance with the plan and current Code design standards unless both the Department and the local authority approve a geometric design waiver under the waiver subsection of the Code.

2.13 Interchange Management Plans

(1) An interchange management plan is required for any new interchange or significant modification to an existing interchange. The interchange and the management plan must receive the approval of the Chief Engineer.

(2) An interchange management plan is a simplified roadway, right-of-way and access control concept plan for the intersection of roadways where an interchange structure exists or is to be built or modified. Such plan shall include schematics for the location of all future and current access locations, public and private; anticipated traffic patterns, traffic signal locations, signing and striping; the acquisition of access rights where necessary; and any other controls that will ensure the continued protection of the functional integrity of the interchange including those roads entering the interchange area providing access to the freeway.

(3) Plan development procedures may follow the requirements of subsection 2.12, Access Control Plans, where they apply. The design of the plan should be developed using desirable level standards of traffic

operation planning and roadway design standards where feasible. Access rights should be obtained for a distance of 550 feet along the lesser street or cross road measured from the radius point of any ramp touch down curve. Frontage roads and other accesses which are closer to ramp termini than the spacing standards recommend, should be either relocated, closed, or turning movements restricted as soon as conditions allow.

2.14 Department And Local Government Highway Construction Projects

(1) When in the course of highway improvement it is necessary to reconstruct, improve, relocate, close or bring into conformance with the Code an existing access or accesses, the Department or issuing authority will initiate the appropriate procedures, permits and agreements. Written concurrence by the appropriate local authority in the design plans illustrating access changes or by correspondence will constitute concurrence pursuant to section 43-2-147(6)(b), C.R.S. of the Act.

(2) Where the local authority retains issuing authority, the Department may request temporary administrative authority to issue access permits for any access within a designated highway project segment, or the issuing authority may be requested to concur in each access permit prior to permit approval by the Department. Access permits issued within the project limits should be constructed within two years from the date of issue. Extensions may be approved. Construction procedures and timing may be consistent with any project contract requirements.

(3) An access may not be upgraded to serve a greater purpose unless such improvement is allowed by an appropriate permit. The cost of any upgrade shall be at the expense of the property owner if necessitated by changes or anticipated changes in the use of the property.

(4) A public highway reconstruction project is not required to bring legal access into full compliance with current Code standards, but only to the extent reasonable within the limitations and scope of project consistent design parameters and available public funds.

(5) Where there are multiple accesses to the same ownership, public highway reconstruction may result in the combining and reduction of the number of driveways or modification of driveway size and design in order to meet necessary design and safety standards. The appropriate local authority may exercise its own legal authorities, resolutions and ordinances, to reduce the number of driveways to an ownership. Such local authority does not extend to the opening of new access to state highways except as allowed by state law.

(6) Temporary access within a highway project construction zone for highway construction activity is permissible. A permit is required for any new access location that provides access to the traveled portion of the roadway. The design, use and traffic controls of the access shall be detailed in the permit and on the project's traffic control plan. Where there is no project traffic control plan, flaggers shall be provided or the permit shall meet the standard design requirements of the Code.

(7) Under no circumstances shall the construction or reconstruction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest shall coordinate work with Department project engineer.