

The Transportation Commission Workshops were held on Tuesday, May 15, 2018 at the Colorado Department of Transportation Headquarters at 4201 E. Arkansas, Avenue, Denver, CO 80222. The Regular Meeting was held on Thursday, May 17, 2018 at the Strater Hotel, Durango, Colorado. The Transportation Commission did a three-day road trip across Colorado starting in Denver to Grand Junction to Durango and back to Denver.

Documents are posted at <http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Commission.

Transportation Commission Workshops Tuesday, May 15 2018, 8:00 am – 9:00 am

Right of Way (ROW) Workshop (Josh Laipply)

Purpose: The purpose of the workshop was to discuss three proposed right-of-way acquisition (negotiations), three settlement affirmations, and five condemnation authorization requests.

Action: Prepare to act on agreed upon proposed authorizations and affirmations at the regular Commission meeting.

Right of Way Workshop (Josh Laipply, CDOT Chief Engineer)

The three projects with property acquisition authorization requests for May 2018 included:

- Region 3
 - US 6 Castle Creek Bridge, Project Code: 19394 – no comments from public or Commission.
- Region 5
 - US 550: CR 214 North ROW Acquisition, Project Code: 16791 – includes a redefinition of legal description for new section corner. No comments from public or Commission.
- I-70 Central
 - I-70 Central, Project Code: 19631 – no comments from public or Commission.

The three projects with property settlement affirmations for May 2018 included:

- Region 2
 - SH 96 Bridge Structure –K 17-F, Project Code 21011
 - US 50 C Overlay (4th to Baxter), Project Code 20751
 - Walsenburg Pedestrian Improvements SH 160, Project Code 20790

Discussion:

- No comments from public or Commission for settlement affirmation projects.

The five projects - with one project identified in four segments- for property condemnation authorization requests for May 2018 included:

- Region 1
 - Arapahoe Road and I-25, Project Code 19192
 - Jody Alderman an attorney representing Target approached the Commission and explained the unusual situation with this property. Approximately 20 years ago Target had a sign in CDOT ROW and claims they were never reimbursed for the easement. Later Target moved their sign to the Key Bank property, acquired by CDOT for this project. During ROW acquisition, the easement for Target on the Key Bank site was overlooked.

Target is looking for reimbursement from the past, but would also need to work with Key Bank regarding the loss of easement on the Key Bank property. Kathy Young of the Colorado Attorney General's Office believes Target is owed something, but not sure what, and recommends condemnation proceedings be initiated to sort out this complex situation in court. There is potential to work with the City to find a new location for the Target sign.

- Commissioners were assured that proceeding would not adversely impact CDOT.
- Executive Director Lewis noted that staff will come back to the Commission regarding what happened and what steps will be in place to avoid something like this from happening in the future.
- Commissioner Hofmeister warned against impacts of the adverse possession law, and noted that it would not be very likely Target would have moved their sign to Key Bank property without compensation – need to search files further to see what happened 20 years ago.

- Region 4

- I-25 North: SH 402 to SH 14, Project Code 21506, Paradigm Properties, LLC
- I 25 North: SH 402 to SH 14, Project Code 21506, Eagle Canyon Capital, LLC KFA Convenience Retailers
- I-25 North: SH 402 to SH 14, Project Code 21506, Multiple Property owners
- I 25 North: SH 402 to SH 14, Project Code 21506, Fort Collins/I-25 Interchange Corner LLC

Discussion:

- No public or Commission comments were raised.

[Discretionary Grant Proposals Workshop \(Lisa Streisfeld and David Krutsinger\)](#)

Purpose: This workshop will describe the discretionary grant proposals under consideration or in progress including Better Utilizing Investments to Leverage Development (BUILD) grant applications that are due in June 2018. Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) grant, the project selection criteria and process for the recommended candidate project, and the funding request from the Transportation Commission for the grant match.

In addition, an overview of the Consolidated Rail Infrastructure & Safety Improvements (CRISI) Program, a grant funding opportunity will be presented.

Action: The Commission will be asked to approve by resolution, the provisional commitment of state match for proposed Region 5 project: US 160 Wolf Creek Project Technology Deployment for the ATCMTD Grant--should the proposed grant project be awarded to CDOT. The funding would serve as a 50% match (\$4,382,500) to fund the \$8.765 million project.

For CRISI, a grant submittal , review, and awards schedule, and a draft candidate project list is provided.

Discussion:

- Better Utilizing Investments to Leverage Development (BUILD) Transportation grants replace the previous Transportation Investment Generating Economic Recovery (TIGER) grant program, and offers \$1.5 billion in discretionary grants.
- ATCMTD
 - Wolf Creek Pass Project was described in more detail by Region 5 Regional Transportation Director, Mike McVaugh – it will install fiber from top of mountain west to Pagosa Springs.
 - A private party has expressed interest in being involved and will contribute \$4-5 million to this project.

- Mike Lewis noted that this is in concert with Governor’s partnership with CDOT, OEDIT, DOLA and others regarding the Statewide fiber access program.
- Commissioner Scott asked about the capacity and users provided access to the fiber. It was explained there will be limits on what the fiber is used for – public purpose.
- Commission Peterson recognized the involvement of the private party and the extended fiber network as a true opportunity for CDOT and others.
- Amy Ford and ITS are evaluating this project.
- Another partnership is with San Luis Valley on the east side to replace overhead power and install it underground.
- Consolidated Rail Infrastructure and Safety Improvements (CRISI)
 - Eligible entities to submit grant proposals include: State(s), Interstate Compact(s), Cities/Counties or similar, Amtrak or other Intercity Passenger Rail Entity, “Short Line” (Class II or II) Freight Railroad, Transportation Research Board, University, Non-Profit Rail Labor Organization.
 - Project types deemed eligible include: Planning, Environmental Clearance, Design, or Construction (identify which phase) for railroad safety technology including PTC, capital intercity passenger rail project, rail congestion project, highway-rail grade crossing, rail line relocation or consolidation, short line rail project, regional/corridor rail planning, multi-modal rail project, or rail safety program. Overall intent is to support infrastructure and safety improvements for freight and passenger rail.
 - There is \$65.2 Million available nationally, with a minimum of \$17 Million set aside for rural areas. There are no predetermined minimum or maximum dollar thresholds for awards. See packet for more information.
 - Submittals are due on June 21, 2018.

[Central 70 Update \(Central 70 Project Manager, Tony DeVito\)](#)

Purpose: To provide the Commission with a quarterly status report on the I-70 Central project regarding notice to proceed, the pre-development budget, and community commitments.

Action: No actions are requested at this time. Information only.

Discussion:

- Tony DeVito began the update with a video displaying Adelante Moving Forward. It is a program with partners including City and county of Denver, CDOT, and others to provide home improvement services to home owners impacted by the 70 Central Project, particularly during construction.
- Types of improvements include new windows, and HVAC improvements to mitigate noise and dust. Others include CO detectors, health assessments on homes and energy audits.
- Video received an applause from attendees.
- In terms of numbers – attempting to get as many homes assessed and improved before construction starts – 70 homes were identified for immediate safety issues, 247 homes have been assessed, and 205 are undergoing improvements.
- Project is off and running, Colonial Beach School was demolished on March 1st and it went well.
- Interaction with CDOT, Union Pacific Railroad (UPRR) and Kiewit is ongoing to discuss project issues.
- Some schedule slippage has occurred but it is believed schedule will recover.
- No budget issues have been identified.
- This project has two dispute resolution panels – one for technical issues and the other for commercial issues.
- Several Commissioners recognized and appreciated the Adelante Moving Forward program and other project progress described.
- One Commissioner asked what is the biggest surprise to date – Tony responded that during a tour of the UPRR switch yard a great understanding of the railroad’s perspective was obtained by project team members.

- Rebecca White, Central 70 Deputy Project Manager, noted that the community is guarded regarding how the project will progress.
- Tony DeVito noted that regaining trust of the community is key.
- A Commissioner asked about the status of the Work Now Program that hires and trains locals to work on construction teams.
- Program has approximately 293 people enrolled; program is conducting roundtables with one in June pending, and a community accountability committee is working on this too.
- Disadvantaged Business Enterprise (DBE) compliance is also being tracked and is doing well.

Transportation Commission Regular Meeting Thursday, May 17, 2018, 8:30 am – 10:30 am

Call to Order, Roll Call – Ten Commissioners were in attendance, with Commissioner Connell excused.

Opening of the STIP Public Hearing – 1 hour (Jeff Sudmeier)

The STIP Public Hearing was opened by Jeff Sudmeier, Chief Financial Officer.

Audience Participation; (Subject Limit: 10 minutes; Time Limit: 3 minutes)

1. Robert Wolff – Animas Airport

Animas Airport is a privately owned airport that is open to the public. Mr. Wolff noted that runway inspection occurred last week (as part of Federal Aviation Administration (FAA) requirements for an airport that is open to the public). Mr. Wolff expressed concerns regarding:

- The current lack of aviation grant funding to finance small airport improvements, that were available in the past. (Note: The Colorado Aeronautics Division is currently not in the position to award grants, due to lack of funds.)
- Animas Airport may no longer be eligible for aviation grants as the Attorney General's office has recently reviewed relevant statute and privately owned airports, not in the FAA system, but open to the public may not be eligible for aviation grants.

The Aeronautics Division is still looking into this matter further to determine direction on how statute should be interpreted, and/or language should be clarified.

2. Jeff Robbins - Attorney for Thurston family

The Thurston family owns a 500-acre farm that spans both sides of US 550. They would like to work with CDOT to develop a safer way for them to make crossings on that road. CDOT initially recommended an at-grade road crossing to accommodate crossing needs. The family states that they cross the road approximately 10,000 times per year with various vehicles and animals. The family hired an engineering firm to create a large box culvert underpass under highway, to accommodate a semi-truck. This would be a \$1-2.8 million investment. CDOT wants the family to pay half, but this is not feasible for family. The family would be willing to enter a public/private partnership on the new plan they developed which would cost an estimated \$500,000.

Mike McVaugh, Region 5 Regional Transportation Director, stated that he and his staff are working with the family on options. Last month, the Transportation Commission approved seeking right-of-way acquisition so CDOT can now begin negotiating costs with the family. Commissioners noted that they will drive by property in question before leaving town.

Commissioner Hofmeister commented that the number of crossings estimated appears to be exaggerated; he requested specific evidence of the number of crossings.

Comments of Individual Commissioners

- All Commissioners expressed appreciation to staff and hosts of the road trip.
- Commissioner D'Angelo noted that it was good to see transportation issues in person
- Commissioner Stuart mentioned she received great information on transportation projects that was shared during the trip that was very helpful.

- Commissioner Gifford appreciated sharing and observing information.

Executive Director's Report (Michael P. Lewis)

- Mile Lewis recognized National Economy Week and the link between transportation and the economy
- Two weeks ago Public Service Recognition Award ceremony led by Herman Stockinger went to Tracy Trulove.

FHWA Division Administrator's Report (John Cater)

- Tripled the size of the TIGER program with \$1.5 billion and this program is now known as the BUILD program.
- Funding is available through a Surface Transportation Block Grant Program that is general fund dollars.
- Two new competitive grant programs are:
 - Rural Bridge program for states with 100 people per square mile and Colorado is eligible. Under this program, bridge projects can be bundled together.
 - Nationally Significant Federal Lands and Tribal Projects program seeking projects with NEPA clearance completed. Colorado has many projects that would be eligible.
- Back in March 2017 the Americans with Disabilities Act (ADA) transition Plan was submitted to FHWA. The ADA Plan is now approved. The Connecticut Department of Transportation is now asking for CDOT Chief Engineer to pay them a visit to learn about our ADA Plan. CDOT is also better positioned to receive funding too.
- Transition is occurring at the FHWA Division Office – The Assistant Division Administrator has been hired. Recognized Lucy Olivera for work during her interim service in this role. Liz Cramer is filling vacancy of Alicia Nolan. Due to arrive in June. Wyoming FHWA is also hiring an Assistant Division Administrator who is from Colorado and moving there, Shaun Cutting.

STAC Report (STAC Chair, Vincent Rogalski)

- Vince noted that after the legislative update at the last STAC meeting there was much confusion surrounding how SB 1 and SB 267 influence one another. Need clear information to convey to constituents to explain the funding situation for transportation.
- Amy Ford presented on the Smart Mobility and technological infrastructure projects.
 - The main point is the need for fiber across the state.
 - There would be economic benefits to this as well.
- Grant programs were discussed, along with the Mobility Choice Blue Print that will feed into the 2045 Statewide Transportation Plan.
- Draft STIP was approved for receiving public comments.
- STAC has various subcommittees and they were discussed at the last STAC meeting.
- Elections to occur at STAC to elect Chair, Vice-Chair and Secretary – Vince has served as STAC Chair for 14 years and is available to continue to serve. The STAC Vice-Chair is retiring and will need to be replaced.
- The Transit Development Program was highlighted at STAC.
- Congestion Mitigation and Air Quality Program is experiencing frustration with obtaining Buy America Waivers – causing delays in purchases of buses. Staff is working on resolving this issue.
- Commissioner Scott recognized Vince for Vince's long service and great work as STAC Chair.

Act on Consent Agenda (Herman Stockinger) – Approved unanimously on May 17, 2018.

- [Resolution to Approve the Regular Meeting Minutes of April 18, 2018 \(Herman Stockinger\)](#)
- [Property Disposal: I70 \(Parcel 64-X\) \(Dave Eller\)](#)
- [Property Disposal: SH 86 \(Parcel 1 & 2\) \(Paul Jesaitis\)](#)

- [FASTER Safety Mitigation Program \(Ryan Rice\)](#)
- [Resolution to Approve Maintenance Projects \\$50,000-150,000 \(Kyle Lester\)](#)

[Discuss and Act on ATCMTD Grant proposals \(Herman Stockinger\)](#) – **Approved unanimously on May 17, 2018.**

- Overview of Wolf Creek Pass fiber project was described in detail due to it being in the Durango area. See workshop notes, in this document, for more details.

[Discuss and Act on 11th Budget Supplement \(Jeff Sudmeier\)](#) – **Approved unanimously on May 17, 2018.**

- Request for additional \$5.2 million for resurfacing project along US 85 in Region 4 where unsuitable subsurface material was found in large quantities –costs are for material removal and contractor delay payments

[Discuss and Act on ROW Acquisition Authorization Requests \(Kathy Young\)](#) –**Approved unanimously on May 17, 2018.**

[Discuss and Act on ROW Settlement Authorization Requests \(Kathy Young\)](#) – **Approved on May 17, 2018 with Commissioner Theibaut abstaining due to potential conflict of interest.**

[Discuss and Act on ROW Condemnation Authorization Requests \(Kathy Young\)](#) – **Approved unanimously on May 17, 2018 with one project at I-25 and Arapahoe Road withdrawn.**

- Kathy Young of the Attorney General’s office concurred with this decision to withdraw this request, and conduct more research regarding Key Bank and Target. See workshop notes, in this document, for more details.

Other Matters

- Appointment of Nominating Committee for Transportation Commission Chair, Vice-Chair and Secretary for FY ’19 (Chairwoman Zink)
 - Nominating Committee will be Commissioners: Scott, Stuart and D’Angelo.
- Close STIP Hearing (Jeff Sudmeier) – no comments were raised.
- Herman Stockinger, Deputy Executive Director and Commission Secretary, noted that work is underway on previous TIGER grant projects to make June deadline for BUILD program.