



COLORADO

Department of
Transportation

Statewide Transportation Advisory Committee (STAC)

May 18, 2018

9:00 AM – 12:00 PM

CDOT HQ Auditorium, 4201 E. Arkansas Ave., Denver, CO

Agenda

- 9:00-9:05 **Welcome and Introductions** – Vince Rogalski, STAC Chair
- 9:05-9:10 **Approval of April STAC Meeting Minutes** – Vince Rogalski
- 9:10-9:20 **Transportation Commission Report (Informational Update)** – Vince Rogalski
- Summary report of the most recent Transportation Commission meeting.
- 9:20-9:40 **TPR Reports (Informational Update)** – STAC Representatives
- Brief update from STAC members on activities in their TPRs.
- 9:40-10:15 **Federal and State Legislative Report (Informational Update)** – Herman Stockinger & Andy Karsian, CDOT Office of Policy and Government Relations (OPGR)
- Update on recent federal and state legislative activity.
- 10:15-10:25 **Break**
- 10:25-10:35 **STAC Elections (Action Item)** – Tim Kirby, Division of Transportation Development (DTD)
- Annual elections of STAC Chair and Vice-Chair.
- 10:35-11:00 **Discretionary Grants (Action Item)** – Tim Kirby, DTD
- Update on BUILD, CRISI, and ATCMTD discretionary grant opportunities and next steps.
- 11:00-11:30 **Transit Development Program (Discussion)** – Michael Snow, Division of Transit and Rail (DTR)
- Update and discussion of recent Transit Development Program activities.
- 11:30-11:55 **Connected Vehicle Build Out Plan (Informational)** - Amy Ford, Chief of Advanced Mobility and Wes Maurer, Transportation Systems Management & Operations (TSMO)
- Update on CDOT's Connected Vehicles Build Out Plan.
- 11:55-12:00 **Other Business**- Vince Rogalski
- 12:00 **Adjourn**

STAC Conference Call Information: 1-877-820-7831 321805#

STAC Website: <http://www.coloradodot.info/programs/statewide-planning/stac.html>

New CDOT Region 1/ Headquarters Location: 2829 W Howard Place, Denver, CO 80204

Draft STAC Meeting Minutes
April 27th, 2018

Location: CDOT Headquarters Auditorium
Date/Time: April 27th, 2018, 9:00 a.m. - 12:00 p.m.
Chairman: Vince Rogalski, STAC Chair
Attendance:

In Person: Vince Rogalski (GV), Michael Yohn (SLV), Keith Baker (SLV), John Adams (PACOG), Norm Steen (PPACG), Andy Gunning (PPACG), Doug Rex (DRCOG), Roger Partridge (DRCOG), Peter Baier (GVMPO), Bentley Henderson (SW), Sean Conway (NFRMPO), Alex Gordon (NFRMPO), Mark Arndt (UFR), Elizabeth Relford (UFR), Gary Beedy (EA), Thad Noll (IM), Walt Boulden (SE), Jacob Garlick (SUIT).

On the Phone: Dwayne McFall (CFR), Dean Bressler (GVMPO).

Agenda Item / Presenter (Affiliation)	Presentation Highlights	Actions
Introductions & March Minutes / Vince Rogalski (STAC Chair)	<ul style="list-style-type: none"> • Review and approval of March STAC Minutes without revisions. 	<i>Minutes approved.</i>
Transportation Commission Report / Vince Rogalski (STAC Chair)	<p>Presentation</p> <ul style="list-style-type: none"> • <u>Transportation Commission</u> <ul style="list-style-type: none"> ○ There was a lot of discussion of Performance Measures, particularly how they are defined and measured. State and Federal definitions are not consistent, which creates confusion. 	No action taken.
TPR Reports / STAC Representatives	<p>Presentation</p> <ul style="list-style-type: none"> • <u>DRCOG</u>: Adopted TIP amendments for I-25 South Gap project and other new projects; held the annual awards banquet on Wednesday night and it went very well, 450 attendees including Governor Hickenlooper, award winners included Lone Tree Link on Demand and the Vision Zero Program. • <u>GVMPO</u>: Approved the new FY2019-FY2022 TIP; Grand Valley Transit has 3 new CNG buses joining their fleet; a local agency partnership between the City of Grand Junction and Mesa County has been established to complete a 29 Road PEL study. 	No action taken.

- NFRMPO: Issued the first Notice to Proceed for the I-25 North Express Lanes project issued last week; US 34 PEL project will hold open public meetings in May to discuss alternatives; the draft FY2019-FY2022 TIP is in development and anticipated to receive approval at the June meeting; the Board approved 5 projects for inclusion on the potential Ballot List (resolution will be submitted to the Transportation Commission).
- PACOG: Approved the new FY 2019-FY2022 TIP; met with Bustang folks to discuss stop locations; meeting on May 10th to talk about the Transit Development Program, also had the Title VI plan approved; construction on I-25 continues as always.
- PPACG: PPACG Board met on April 11th, approved the new TIP for FY2019-FY2022; discussed weighting and scoring criteria for the next regional plan; the recent fire at MM 117 was determined to be caused by a dragging muffler that caused sparks on a dry day and now 23 families are homeless as a result.
- Central Front Range: US 50 through Canon City project held a public meeting this week and there was a lot of concern about the proposal to remove the frontage road, including from fire and emergency responders.
- Eastern: Highway bridge overpass on I-70 taken out by a semi hit; had to be demolished over 3 days, now back to regular traffic on I-70 but a 12-22 mile detour on SH 59 at this point depending on the direction; Bridge Enterprise funds will be used to replace the bridge, projected around \$5 million with one lane completed by June and the second lane by August, a significant inconvenience for communities along that route; working on rumble strips for US 287 to put a stop to head-on collisions along that corridor.
- Gunnison Valley: Not much snow this year so we're concerned about the availability of water in case of wildfires later in the year; held a TPR meeting a few weeks ago and like others we focused on the Transit Development Program, which is great because we've been trying to more closely link transit to other transportation modes in all of our meetings; a number of bids are awarded and projects are coming up, including some rumble strips south of Montrose given increasing frequency of head-on fatal crashes in that area; Blue Creek Canyon project on the horizon and discussions about

closing the road and having a detour is one that communities will definitely want to be involved with that conversation.

- Intermountain: Spent the bulk of the last TPR meeting talking about the Transit Development Program, a lot of interest given that 3 of the top 5 rural transit agencies in the nation are located in the Intermountain TPR, thanks for the opportunity to move rural transit into the forefront; be aware that Vail Pass is getting resurfaced in the coming weeks and there will be impacts on travelers in both directions.
- Northwest: No report.
- San Luis Valley: Project on SH 112 in Del Norte has begun construction; the Valley is experiencing wildfires (roughly 300 acres) and closure of SH 17 following a 5-car pile-up; construction on wildlife improvements along US 285 are proceeding well; pre-construction meeting was held for Cottonwood Pass, awarded to Kirkland Construction out of Rye; CDOT Region 5 staff came to meet with officials in Salida to discuss upcoming intersection project on SH 291.
- South Central: Resurfacing work on I-25; work on SH 12 has been finished; working on Transit Development Program for the TPR.
- Southeast: Held a good conversation about the Transit Development Program at the last TPR meeting; US 287 project in Lamar continues.
- Southwest: Held a TPR meeting a few weeks back and focused on the Transit Development Program; many resurfacing projects underway in the Southwest; Archuleta County instituting Stage 1 fire restrictions starting next week, which is well in advance of the usual fire calendar.
- Upper Front Range: No news on Weld County INFRA grant for US 285; lengthy discussions on Buy America waivers and looking forward to discussing that today; invited Executive Director Lewis to the June TPR meeting; working with CDOT to implement railroad crossing closures along US 85.
- Southern Ute Indian Tribe: Working to complete one final agreement with CDOT needed for the US 160 project; the tribe has adopted Stage 1 fire restrictions as of this week.
- Ute Mountain Ute Indian Tribe: No report.
- CDOT Executive Director: Thanks to PPACG for invitation to the last meeting and I'm looking forward to getting out to UFR and others in the

	<p>near future; next month the Transportation Commission will be heading down I-70 and US 550 to hold their meeting in Durango, should be a good way to expose them to the western parts of the state; the I-25 South Gap project EA is open for public comment beginning today, starting its 30-day comment period including 2 public meetings in Douglas & El Paso counties, hoping for a decision document in late June or early July so that we can begin construction this summer, good progress and great local cooperation helping to move that along, some controversy around the preferred alternative including an express lane, but we'll work through that.</p> <ul style="list-style-type: none"> ○ <u>Vince Rogalski</u>: That TC trip will involve going over Red Mountain Pass in a bus, which should be a fun experience for everyone involved. ○ <u>Roger Partridge</u>: On the topic of the I-25 South Gap project EA, I want to give kudos to CDOT and FHWA on the speed and effectiveness of moving that EA process along, really great work by everyone involved. 	
<p>Federal and State Legislative Report / Herman Stockinger and Andy Karsian (CDOT Office of Policy & Government Relations)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • <u>State</u> <ul style="list-style-type: none"> ○ A number of bills are moving forward as we approach the end of the legislative session, including changes to SB 1. <ul style="list-style-type: none"> ▪ Currently two amendments have been proposed that would significantly alter the bill. <ul style="list-style-type: none"> ❖ Removes Managed Lanes language, sets formula for quarterly transfers to CDOT, sets an 80%-20% split between highway and transit funding. ❖ Debate set for Wednesday, and the bill is likely to continue changing until the end of the session. ○ Executive Director Lewis explained the wide range of potential funding scenarios resulting from the combination of legislation, ballot initiatives, and general fund transfers currently being debated. <ul style="list-style-type: none"> ▪ Total CDOT funding for future fiscal years ranges from less than \$2 billion to more than \$9 billion annually, making it very difficult to plan for the future. ▪ All of this continues to shift, but there should be greater clarity by the end of the legislative session. 	<p>No action taken.</p>

STAC Comments

- Norm Steen: Is it true that there was a TABOR Foundation challenge to this?
- Jeff Sudmeier: The TABOR Foundation challenged SB 267 but they recently lost their counsel and the suit was delayed until October. In the meantime, we are preparing for the SB 267 issuance in spite of the ambiguity. The Treasurer's Office is moving as quickly as they can but they need a clear legal pathway to issue the first transfer. We're working to ensure that we're ready to go as soon as that occurs, even if it's later than originally anticipated.
- Mike Lewis: The legal questions may affect the timeline on some first-year projects (including I-25 South) depending on when bonds can be issued.
- Sean Conway: Does the Attorney General need to weigh in on this?
- Jeff Sudmeier: Yes, they would have to offer a legal opinion that we can proceed, whether or not there is a legal settlement by that time.
- Gary Beedy: Is the challenge that based on the idea that SB 267 should have gone to a vote of the people?
- Jeff Sudmeier: Yes, that is the crux of the issue.
- Sean Conway: Has the Legislature issued COPs in the past?
- Jeff Sudmeier: Yes, they have, most recently for education back in December.
- Norm Steen: How can we help, where are the pressure points on the funding questions?
- Mike Lewis: First of all knowledge. As many people as possible need to have knowledge about the implications of these different scenarios. Are legislators and the public aware of how serious this is?
- Gary Beedy: One suggestion is to add "over 20 years" to this chart so that there isn't confusion about how much money we're talking about here.
- Mike Lewis: That's a good point – this was created for internal purposes but of course it may be seen by the public.
- Sean Conway: Can you comment on the politics of this? Is the education funding question bleeding into this discussion?
- Andy Karsian: That has been a part of the conversation from the very beginning, the concern from the education lobby has always been that the long-term bonding of General Fund surplus money will limit flexibility in future years if we hit the TABOR cap or there is a recession. Especially now, where we are at the end of the session with teachers protesting, this is one of their talking points.

	<ul style="list-style-type: none"> • <u>Sean Conway</u>: Is this the same replay of last year with SB 267? • <u>Andy Karsian</u>: I would say the difference is that last year there was a perceived immediate crisis related to rural hospitals that forced a compromise, whereas this year there is not perceived to be as much urgency, so the legislators could refuse to compromise. There does not seem to be much work done so far towards finding a compromise, rather there's a drawing of lines in the sand at this point. <p>Presentation</p> <ul style="list-style-type: none"> • <u>Federal</u> <ul style="list-style-type: none"> ○ Last week there were announcements for 4 new rounds of federal grants: <ul style="list-style-type: none"> ▪ BUILD (Better Utilizing Investments to Leverage Development) <ul style="list-style-type: none"> ❖ \$1.5 billion available ❖ Applications due July 19th ❖ More information at: https://www.transportation.gov/buildgrants/build-nofo ▪ CRISI (Consolidated Rail Infrastructure and Safety Improvements Program) <ul style="list-style-type: none"> ❖ \$65 million available ❖ Applications due June 21st ❖ More information at: https://www.federalregister.gov/documents/2018/02/21/2018-03534/notice-of-funding-opportunity-for-consolidated-rail-infrastructure-and-safety-improvements ▪ ATCMTD (Advanced Transportation and Congestion Management Technologies Deployment) <ul style="list-style-type: none"> ❖ \$60 million available ❖ Applications due June 18th ❖ More information at: https://www.grants.gov/web/grants/view-opportunity.html?opId=303763 	
<p>Smart Mobility & Technology Infrastructure / Amy Ford (CDOT Chief of Advanced Mobility), Wes Maurer and Bob</p>	<p>Presentation</p> <ul style="list-style-type: none"> • The goal of smart mobility is to better move people today and tomorrow while savings lives and supporting economic vitality. <ul style="list-style-type: none"> ○ Our recent CDOT Customer Experience Survey results identified the top priorities for the public are Technology and Economic Vitality. 	<p>No action taken.</p>

<p>Fifer (CDOT Division of TSMO)</p>	<ul style="list-style-type: none"> ○ It is important to take advantage of this transformative moment to institutionalize the smart mobility approach and establish a new transportation paradigm. ● Transportation systems are becoming information systems and fiber is the backbone. ● TSMO is planning for the next 10 years of fiber investment and working with DOLA, OIT, OEDIT, MPOs, and others through the Statewide Infrastructure Committee to develop a methodology for prioritizing projects across the state. <ul style="list-style-type: none"> ○ CDOT cannot and should not do this alone – we need collaboration. ● CDOT is seeking public and private partnerships to expand the fiber network, accepting unsolicited proposals for review and potential collaboration (much of it zero-dollar). <ul style="list-style-type: none"> ○ Examples of efforts in Manitou Springs (ultimately unsuccessful) and Southwest Colorado (still underway) demonstrate the collaborative approach. ● CDOT is also developing a Smart Mobility Plan that will establish the vision for a statewide system to support connected and autonomous vehicles (CAVs) among other emerging technologies. <ul style="list-style-type: none"> ○ The Smart Mobility Plan will include the development of regional ITS architectures and feed into the broader 2045 Statewide Transportation Plan. ○ It will also include a Technology Toolbox that clearly defines different transportation-focused technologies available and categorizes them as Conceptual, Pilot, or Mainstream to help project managers select the options that make the most sense in their specific context. ○ The overall benefit of the Smart Mobility Plan will be integrating the whole DOT, all of our stakeholders, and all of our local planning partners into a cohesive technology future. <p>STAC Comments</p> <ul style="list-style-type: none"> ● <u>Roger Partridge</u>: Do you see an opportunity to partner at the state level for funding? ● <u>Bob Fifer</u>: I sit on the Statewide Infrastructure Committee with DOLA, CDOT, OIT, OEDIT, and other stakeholders to find those opportunities for funding collaboration and make sure we're all pulling in the same direction. 	
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	<ul style="list-style-type: none"> • <u>Norm Steen</u>: Kudos on the collaboration between agencies and I'd like to encourage you to work with local agencies to share your fiber as a way of getting folks off the roads and developing local economies. • <u>Bob Fifer</u>: We do work with local governments to lease fiber (as required by law) at a reasonable market rate in situations where we have fiber existing. In cases where there is no existing fiber, we should talk about potential partnerships to build it. • <u>Keith Baker</u>: Do we need to go through the SB 152 opt-out process for that to happen? • <u>Bob Fifer</u>: To lease fiber you should not have to do all that, it's only for the construction of new community-owned fiber infrastructure by municipal governments. • <u>Elizabeth Relford</u>: I'm interested to know how you coordinate with the FHWA STIC (State Transportation Innovation Council) grant program? • <u>Amy Ford</u>: Our team does coordinate with those, but I'm not sure whether we have a complete listing of what projects are currently out there. We should flag that to make sure we're not missing any opportunities. • <u>Deb Perkins-Smith</u>: We'll share that list of projects with TSMO. 	
<p>Mobility Choice Blueprint / Debra Perkins-Smith (CDOT Division of Transportation Development)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • The Mobility Choice Blueprint is a joint study sponsored by CDOT, DRCOG, RTD, and the Denver Metro Chamber of Commerce to examine the implications of changing transportation technology on the mobility, livability, and economic vitality of the Denver Metro region by 2030. • The results of the study will inform our other planning efforts, including the Statewide Transportation Plan, Smart Mobility Plan, and more. Despite the limited geographic scope, some elements will be more broadly applicable statewide. • Information on the Mobility Choice Blueprint, the online survey, and information on upcoming events can be found at: https://www.mobilitychoiceblueprint.com/ <p>STAC Comments</p> <ul style="list-style-type: none"> • <u>Doug Rex</u>: It has been a real education so far and we are not focusing on any one technology at this point. 	<p>No action taken.</p>

<p>Virgin Hyperloop One Outreach / Peter Kozinski (CDOT RoadX Program)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • CDOT is participating in a Rapid Speed Study to determine the feasibility of new technologies like Hyperloop and Arrivo systems in Colorado, focusing on regulation, land use implications, and transportation system impacts. CDOT is not funding the construction of any systems in the state. • Virgin Hyperloop One is one of the companies participating in the study and will be hosting its own outreach event on May 22nd to discuss their proposed route along I-25 and I-70. • Interested parties should RSVP to hyperloop@aecom.com to participate remotely or in-person. <p>STAC Comments</p> <ul style="list-style-type: none"> • <u>Roger Partridge</u>: Is this distinct from the other vendor in this space? • <u>Peter Kozinski</u>: This is specific to Virgin Hyperloop One, the other company Arrivo may have a similar event but that's up to them. In either case, CDOT would not be the pockets that pay for such a system, we are just supporting the Rapid Speed Study. • <u>Thad Noll</u>: Would this event only be available to those communities directly on the proposed routes? • <u>Peter Kozinski</u>: They are making this available to anyone who is interested or feels that they might be impacted by such a system. 	<p>No action taken.</p>
<p>Draft FY 2019-2022 STIP Release / Jamie Collins (CDOT Division of Accounting & Finance)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • The draft FY 2019 – 2022 STIP is open for public comment from April 19th – May 31st and is available online at: https://www.codot.gov/business/budget/statewide-transportation-improvement-program-stip-reports-information/draft-fy2019-fy2022-stip-04122018.pdf/view. • Since we now use a rolling STIP, all we're doing with this update is dropping off FY2018 and adding on FY2022 – otherwise it's mostly unchanged. • Some minor updates include: <ul style="list-style-type: none"> ○ New descriptions for the I-25 South Gap, I-25 North Express Lanes, and some RoadX projects. ○ Also now includes language related to the newly established Safety Performance Measures, as required by FHWA. 	<p>No action taken.</p>

	<ul style="list-style-type: none"> • Feel free to contact Jamie Collins with any questions you have. 	
<p>STAC Subcommittees / Tim Kirby (CDOT Multimodal Planning Branch)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • The STAC participates in a number of subcommittees, including: <ul style="list-style-type: none"> ○ Transit & Rail Advisory Committee (TRAC) Subcommittee <ul style="list-style-type: none"> ▪ Developing Tier 1 planning total and regional distribution formula for the Transit Development Program. ▪ STAC Participants: Vince Rogalski, Thad Noll, Walt Boulden, & Gary Beedy. ○ Freight Advisory Council (FAC) <ul style="list-style-type: none"> ▪ Working with the freight industry on planning and investment priorities. ▪ STAC Participants: Norm Steen, Barbara Kirkmeyer, & Gary Beedy. ○ 2045 Statewide Transportation Plan (SWP) Formula Programs <ul style="list-style-type: none"> ▪ Developing program distribution for use in the 2045 SWP. ▪ Membership TBD by participants following the STAC meeting. • The STAC will hold elections at the May meeting. <ul style="list-style-type: none"> ○ Vince Rogalski volunteered to continue as Chair. ○ Thad Noll will be retiring and will not continue as Vice Chair. <p>STAC Comments</p> <ul style="list-style-type: none"> • The group congratulated and thanked Thad Noll for his long and valuable service to the State of Colorado. 	No action taken.
<p>Transit Development Program / Michael Snow (CDOT Division of Transit & Rail)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • CDOT staff are working to visit each TPR and MPO to discuss and develop the Transit Development Program. Some TPRs are opting to schedule a second meeting to finalize their Tier 1 prioritization. • The TRAC Subcommittee has been meeting nearly weekly to develop Tier 1 planning target and regional funding allocation formula to be reviewed by the TRAC and STAC in May. • The goal is to finalize the Transit Development Program Tier 1 list by July. <p>STAC Comments</p>	No action taken.

	<ul style="list-style-type: none"> • <u>Thad Noll</u>: One of the biggest challenges we've faced at our TPR is what is eligible to go on the list. Many small agencies can't include a capital project without assuming some additional operating dollars to support that. It's a conundrum that you can't have capital without operating, and CASTA is strongly supporting the inclusion of operating funds in the TDP. • <u>Vince Rogalski</u>: Another item related to capital is that we're talking about bonding, so bus replacements and other investments that don't last 20 years or more don't really make sense in that context. • <u>Joshua Laipply</u>: I think if the core of what we're doing is trying to improve mobility then you can't exclude operating from that discussion. I think we need to flat those needs as we develop the list, and then some funding sources may fit some project types better than others. • <u>Sean Conway</u>: And these projects will appear on the ballot? • <u>Michael Snow</u>: That's still a little bit uncertain at this point – originally we were under the impression that there would be a published list for the transit bonding projects, but we're getting other indications that there may not be. • <u>Sean Conway</u>: My point is that we need to have projects with broad public support so you're not shooting yourself in the foot. The "80-20 rule" with 80% of people in support I think makes sense. • <u>Deb Perkins-Smith</u>: To be clear we're talking about two things – a broader Transit Development Program of all the projects we'd like to do, versus a smaller sub-set of transit projects suitable for bonding, which may or may not be identified on the ballot. That latter list is the one where you need clear public support as well as a 50% local match. • <u>Herman Stockinger</u>: If the ballot measure were to pass there is also a non-bonding funding stream that would flow in large part to locals, who might choose to apply it to operations rather than capital. 	
<p>Congestion Mitigation & Air Quality (CMAQ) Buy America Waivers / Debra Perkins-Smith and Michael King (CDOT Division of Transportation Development)</p>	<p>Presentation</p> <ul style="list-style-type: none"> • The Buy America Act requires that federal tax dollars used to purchase steel, iron, and manufactured products permanently incorporated into a federal aid highway project be produced domestically in the United States. Waivers are available for projects that cannot abide by Buy America regulations due to a lack of domestically produced products, as is frequently the case for vehicle purchases. • Historically the FHWA would solicit and approve waivers on a quarterly basis, but starting in late 2016 this ceased for more than 15 months, stalling many projects nationwide. 	<p>No action taken.</p>

- On April 17th, FHWA published a notification in the Federal Register of their intent to issue waivers for 151 state projects representing 955 vehicle purchases nationwide.
- These waiver requests were all submitted between April and December of CY 2016 and include 23 vehicle purchases in Colorado.
- FHWA also indicated that they plan to review the Buy America waiver system to determine its viability moving forward.
- Colorado projects included under the new waivers include:
 - Weld County
 - 5 LNG/CNG conversion kits for heavy-duty trucks
 - 3 1/2 ton CNG trucks
 - 4 3/4 ton CNG trucks
 - 1 3/4 ton CNG truck (for Gilcrest)
 - 2 3/4 ton CNG trucks (for Ft. Lupton)
 - 1 class-7/8 CNG truck (for Ft. Lupton)
 - North Front Range MPO
 - 1 1/2 ton CNG truck
 - CDOT Region 3
 - 4 passenger commuter vans (for Pitkin County)
 - CDOT Region 5
 - 1 vacuum street sweeper (for Pagosa Springs)
 - Regional Air Quality Council (RAQC)
 - 1 diesel-powered street sweeper (for Wheat Ridge)
- Despite this recent progress, there are still a number of awarded CMAQ projects in Colorado totaling more than \$7 million that remain on hold due to a lack of Buy America waivers. CDOT is continuing to explore options for resolving this issue both at the federal level and for individual projects.

STAC Comments

- Elizabeth Relford: This was a discussion at the last Upper Front Range meeting given that we have between \$6-\$7 million in awarded projects that we cannot use without these waivers. We want to discuss whether there is potential for swapping state funds for those so that we can proceed.
- Debra Perkins-Smith: This is one avenue that we are exploring, and we have asked the Attorney General to weigh in on the legality of that approach. But we want to give the feds time to take action before we consider that more intensively.

- Ron Papsdorf: I understand that leasing may be an option for some grantees to proceed without a waiver, has anyone been exploring that?
- Elizabeth Relford: I'm not sure if that information has been shared consistently, and I'm also not clear on why this does not apply to FTA.
- Bill Haas: FHWA has different Buy America regulations than FTA does.
- Sean Conway: We've had to pull back bids as a result of this and we've communicated the issue to the Congressional delegation.
- Gary Beedy: Is this a legislative issue or a FHWA issue?
- Bill Haas: These laws have been on the books since the 1930s, so that's nothing new. The waiver process is used to establish that there is no American-made source of the component that needs to be purchased, but with vehicles that's very complicated to determine. Several years ago it was ruled acceptable so long as the final vehicle assembly occurs in the US, but that was under the last administration. There is a new interpretation currently and they're in the process of reconsidering the rules.
- Sean Conway: I disagree with you that this is related to the new administration, we have been working on this issue for 3 years and it is an issue within FWHA. To say that it is a new issue with the new administration is not accurate. I'm very frustrated by this and we've been working through it for a long time.
- Gary Beedy: I think this needs to go back to FHWA and their rule-making process, to clarify those rules, because they're well beyond the intent of the law.
- Bill Haas: Sean is right that there was an issue with vehicle purchases under the last administration, but that was resolved and waivers were being approved, albeit not at the speed we would have liked. However, this change is related to the new administration, as there was a vacuum during the transition and now a reassessment underway that is preventing the approval of any additional waivers.
- Deb Perkins-Smith: We will be continuing to monitor this and have the conversation with you at this forum moving forward.
- Sean Conway: I am not trying to be critical, we are eager to support you and communicate with our congressional delegation how they can resolve this issue for us. Please give us the information that we can use to talk to our delegation.
- Elizabeth Relford: What is the connection to the Commerce Department, are they involved in the approval process at all?
- Bill Haas: Not to my knowledge, it should all flow through the US DOT.

	<ul style="list-style-type: none"> • <u>Sean Conway</u>: Please keep us informed going forward, we will be at NACTO event next month and would be happy to communicate the issue via that group. 	
Other Business / Vince Rogalski (STAC Chair)	<p>Presentation</p> <ul style="list-style-type: none"> • The next STAC Meeting will be held on May 18th at the new CDOT HQ in Denver. 	No action taken.

STAC ADJOURNS

DRAFT