

**DRAFT STAC
August 14, 2009 Meeting Minutes**

Location: CDOT Headquarters Auditorium
Date/Time: August 14, 9:00 a.m. – 11:30 a.m.
Chairman: Vince Rogalski
Attendance: A sign-in sheet was distributed to note attendance at the meeting.

Agenda Items/Presenters/Affiliations	Presentation Highlights	Actions
Introductions	Everyone in the room gave self-introductions.	No Action taken
July Meeting Minutes	July minutes approved with no changes.	Approved minutes
Federal Legislative Update- Herman Stockinger	<p>Congress is currently in recess. Before leaving, Congress put money into the Trust Fund to keep it afloat through September. We expect that by the end of September they will pass an 18 month extension that will also solve the rescission issue. Colorado has been a leader in the effort to address the rescission issue. Chairman Oberstar is still pushing for a bill on the House floor in September, but that is as far as a new reauthorization bill is likely to go this year.</p> <p>The Transportation Commission approved the six TIGER grant projects that STAC recommended, and added a seventh project, Highways 6 and 119. We are working very closely with local governments on the applications.</p> <p>We started the process for Senate earmarks, and developed a list just before the focus shifted to an 18 month extension. It doesn't look like there will be earmarks in the extension. As such, any action on Senate earmarks is on hold. It will likely be a year to a year and a half before the Senate does anything with earmarks.</p>	No Action Taken

<p>Recovery Act- Sandi Kohrs</p>	<p>The latest figures (as of early August) on Recovery Act projects include:</p> <ul style="list-style-type: none"> 92 projects certified 72 projects obligated 61 projects advertised 45 projects with bid opening 24 projects under construction <p>70% of Recovery Funds have been obligated (obligation deadline is March 2010) to date. These figures change weekly as projects progress.</p> <p>Reporting requirements are still being adjusted. Office of Management and Budget (OMB) is now playing a larger role in the reporting process. It is very important for local agencies to stay in close contact with Region Local Agency Coordinators to make sure they are getting all of the information and meeting reporting deadlines.</p> <p>There have been some discussions on bid savings. Not all of the projects have gone to bid yet. Region 5 and Region 6 have projects identified for use of bid savings that they would like to move forward with soon. These projects have already gone before STAC and the Transportation Commission for approval. Additional decisions about projects in the other Regions will take place after more projects have gone to bid.</p> <p>Question- Bill Moore- On the reporting requirements from OMB, are those in the same format as the reporting required by Oberstar?</p> <p>Mickey Ferrell- The information is the same, but the formatting is different. The Governor's Office will coordinate the reporting for the entire state to OMB. The Oberstar Report is in Excel and is submitted by CDOT. The formatting for the OMB Report is still being determined.</p>	<p>No Action Taken</p>
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<p>CMAQ- Jennifer Finch</p>	<p>Congestion Mitigation Air Quality (CMAQ) is a federal program that has been in existence since ISTEA. The last time we looked at the distribution of CMAQ funds was in a resolution in 2000 when funds were allocated to non-attainment areas for CO and PM-10. In mid 2000s the PM-10 areas were designated as being in attainment/maintenance and no longer in violation of air quality standards. We have, however, continued to provide CMAQ funding to the rural PM-10 areas. Also in late 2007 the Front Range area, including Metro Denver (DRCOG), North Front Range MPO (NFRMPO) and parts of Upper Front Range (UFR), was designated an Ozone non-attainment area. FHWA sent CDOT a letter indicating that the new ozone non-attainment area needs to be considered in the CMAQ formulas and the resolution needs to be updated.</p> <p>We have had meetings with recipients to try to determine the best way to proceed with this. Currently, we think it makes sense to only look at the next two years, FY 10 and FY 11. None of the PM-10 areas appear to be at risk of going back into non-attainment in that timeframe. While there has been some concern raised that removing funding for PM-10 areas would seem to punish those areas for good performance, it is important to focus funding on those areas that are currently in non-attainment and pose the greatest public health risk. Additionally, discussion of authorization to this point has seemed to focus on ozone and other non-attainment areas.</p> <p>We are looking at adding the UFR based on the formula currently used (50% population, 50% VMT) and keeping the \$1 million off that top for the PM-10 areas. This would take a little bit away from Pikes Peak and DRCOG to fund UFR. We also need to consider what to do if we receive more money than anticipated. There are two options being discussed for additional funds:</p> <ol style="list-style-type: none"> 1. Distribute additional funds to the non-attainment areas based on the 50/50 formula. 2. Use additional funds to restore DRCOG and then PPACG to the levels they would have received under the current resource allocation method for FY 10 and FY 11, and then distribute any remaining funds to the non-attainment areas based on the 50/50 formula. 	<p>No Action Taken</p>
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At this point in time staff is looking to recommend to the Commission that they keep the \$1 million off the top to PM-10 areas for the next two years, and direct any additional funds only to the ozone non-attainment areas based on the formula, and then delay any further discussion until the next TIP/STIP Resource Allocation cycle for FY 12 – FY 17. We will present this to the Commission next week to see if they are satisfied with this direction, and expect them to take action on it in September.

There has also been some discussion as to whether we should look at some sort of a pool between Regions for these funds. However, the concept needs significantly more work before it could be seriously considered.

A question was raised by Craig Casper regarding NHS non-state highways and if they are included in the VMT figure used. Non-state highways are not included in the VMT figure used because system-wide data is not as reliable, but DTD is working on improving.

Diane Mitsch Bush- The bullet for PM-10 areas should say “not immediately at risk.” The trend is upward for some, and if it continues we will be in non-attainment again. This money is absolutely crucial to us and I am happy that it will continue for the next two years.

Wayne Williams- We can wait until next month for a formal resolution, but I think that in general STAC is in approval of the revised allocation. However, I would like to look at some sort of a threshold if we were to get extra money- where we would go with option 1 up to a certain level of additional funds, maybe \$3 million, then replenish under option 2, before reverting back to option 1.

Jennifer Finch: Part of what I have heard is that we really haven't addressed the issue of at risk areas. I think this can be part of the discussion for the FY 12 – FY 17 CMAQ allocation. I also want to emphasize that we are not limiting allocation to ozone non-attainment. This applies to any non-attainment area.

Handout- CMAQ Program Memo

<p>4P/STIP Development Guidelines- Jamie Collins</p>	<p>We will be taking comments through the end of this month and taking this to the Commission in September. Please let me know if you have any comments, additions or corrections. I will bring the final draft to you next month. STAC can act on it next month, and then we will bring it before the Commission.</p> <p><i>Handout: Summary of Changes for the Revised 4P and STIP Development Guidelines and Project Priority Programming Process and STIP Development Guidelines</i></p>	<p>No Action Taken</p>
<p>Rural TPR Contracts- Jennifer Finch</p>	<p>Sometime in the last month or two we sent out a packet of information to our rural planning partners with regard to their contracts for reimbursement. We need a little better documentation on expenses. The packets include some forms that can help in improving this documentation. It would be really helpful if you filled these out. This will help us in ensuring that reimbursements are eligible and that we get you those reimbursements in a timely fashion.</p> <p>There are state requirements for public involvement. Most of you meet this requirement through your TPR meetings. If there are ways that we can help you with public involvement we are more than willing to do so. We want to make sure there are opportunities for bringing not just your perspective, but your community's perspective to the table as we discuss different issues.</p> <p>We have reimbursement forms in the packets. If you have questions you can work with the Planning Liaisons to clarify. Also please make sure that you know what the public participation requirements are, and document how you are meeting these requirements. Your Planning Liaisons can help to communicate requirements and help you to identify what is needed for documentation.</p> <p>Question- Bill Moore- Is there a public meeting notice requirement for this?</p> <p>Jennifer Finch- Yes, it is probably not as elaborate as what is required of the MPOs, but it probably needs to be posted and made available in some way.</p>	<p>No Action Taken</p>

<p>FASTER - Pam Hutton</p>	<p>We have been working with the Commission to try to implement this new legislation. There are two components I want to address today- the Bridge Enterprise and the safety projects.</p> <p><i>Bridge Enterprise</i> Last month the RTDs reviewed with the Commission a list of potential bridge projects. Following that conversation we talked a little more about strategy. Because of the need to transfer an asset to the Bridge Enterprise when the Enterprise does work on it, it probably makes the most sense to transfer that asset just prior to construction. The RTDs are now working on identifying potential construction projects that could be built with FASTER dollars. We are hoping to have a list of projects for the Commission to review and approve next week. It will be a prioritized list based on sufficiency ratings and technical analysis. If the Commission approves, we would then prepare a draft budget that includes the partial transfer of full-time employees to the Bridge Enterprise as well. The people that work on the FASTER bridges will have to be paid by the Enterprise, not CDOT. The draft budget would then hopefully be adopted in October.</p> <p>Invitations have been extended to construction representatives and consultants to think about new and innovative ways for project delivery and financing. We have asked the industry if they would like to come to the Commission this month and maybe even next month to talk about their ideas. We know that there is at least one company that wants to present this month. We have also invited FHWA Resource Center personnel on innovative project delivery and financing. They will present either this month or next.</p> <p>Question- Steve Rudy- Could you explain how design and pre-construction activities relate to the need for work to be done by Enterprise employees or Enterprise contractors or consultants?</p> <p>Pam Hutton- The current thinking is that it is the expenditure of the dollar that is tied to the Enterprise, not the phase of project delivery. We could design a bridge or buy right of way with BR funds through CDOT, and then just do construction with FASTER funds. That is what we are going to do for this year.</p>	<p>No Action Taken</p>
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	<p>Question- Wayne Williams- I am a little concerned that this is a new program coming through and we are talking about going to the Commission without any STAC input on what it is they are approving.</p> <p>Pam Hutton- Typically we would not come to STAC with our list of BR bridges either. We would fund those through our typical bridge funding and prioritization process, which is a very technical process. This follows the same process we have been using for BR funds.</p> <p>Wayne Williams- I understand, but don't fully agree. This is a major piece of legislation and I think there are some important policy decisions that are more than a technical calculation.</p> <p>Question- Bill Moore- Can you explain the amount of funding that will be made available to the Bridge Enterprise?</p> <p>Pam Hutton- The Bridge Enterprise funds made available through car registration ratchets up over the next years. At the end of three years we will be receiving \$125 million annually for the Bridge Enterprise. This year we will be receiving 1/3 of that. Safety is the other big piece of the FASTER legislation. We project \$125 million in the first year. That doesn't ratchet up, but we receive the full amount right away. This is split 60/40 between the state and cities and counties.</p> <p>Question- Bill Moore- Does the local portion need to be spent on safety projects, or since it is flowing through the HUTF is it only subject to those requirements?</p> <p>Herman Stockinger- The statute says the Road Safety funds can be used for any project that a county determines is necessary for the safety of a county road, any project a city determines is necessary for the safety of a local road, or any project the Commission determines is necessary for the safety of a state highway. We have reporting requirements at CDOT for the state funds. There are no specific reporting requirements for cities and counties. It behooves every city and county to keep track of those funds and to define what constitutes safety. It is probably better to define safety as tightly as you can.</p>	
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	<p>Wayne Williams- I think we might want to send out a notice through CML and CCI that cities and counties need to be aware that this money will be under scrutiny and should be well documented.</p> <p>Question- Kathy Hartman- Once a bridge is transferred to the Enterprise it stays there indefinitely?</p> <p>Pam Hutton- FASTER funds can only be used on bridges in poor condition. Out of roughly 9,000 bridges in the state, only about 125 are rated poor. The Enterprise will also be responsible for maintenance on these bridges once it takes ownership. Due to TABOR limitations, a bridge can only be transferred back to CDOT when its net asset value is close to zero.</p> <p><i>Safety</i></p> <p>We talked to the Commission last month about FASTER safety projects. The Regions were then asked to work with their planning partners through the month of August and into September to identify and prioritize safety projects that would be funded with FASTER dollars. In this case, since we are working with the planning partners, we plan on coming to STAC for a recommendation on projects. We hope to have at least a preliminary list for STAC and Commission review in September. The statute is very broad in its definition of safety projects and we'll have to make a case for each project.</p> <p>Question- Bill Moore- How is this money being allocated to CDOT Regions?</p> <p>Heather Copp - This is considered a new revenue source, and any funds above the baseline would be allocated according to the new money formula. The Senate Bill 1 and FASTER dollars roughly offset each other for FY 10, leaving little "new" money. Bridge money was allocated according to the deck area of poor bridges in each region. Whatever a Region didn't get of the total in Bridge money, the Region got in Highway Safety funds. We probably need a better method of how to allocate in the future, but this will get us through the current year.</p> <p>Question- Steve Rudy- Does this mean that you intend to have the Commission act on individual safety projects as opposed to leaving it to the regional process, and</p>	
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	<p>the normal TIP/STIP process?</p> <p>Pam Hutton- We'll discuss the list and types of projects with the Commission, but they would still go through the public notice and TIP/STIP process.</p> <p><i>Handout: Calculations</i></p>	
Other Business	<p>Friday, October 9 is a furlough day. As such, the October STAC meeting will be held Thursday, October 8 at 1:30 in the Auditorium.</p> <p>Next month we will begin the process of the FY 11 budget.</p> <p>Bert Melcher delivered a brief presentation on the Colorado Rail Passenger Association position on the Denver Union Station project. Colorado Rail is not the project team, but has been involved in the process. To provide some additional context, we will have a presentation on Denver Union Station by the project team at next month's STAC meeting.</p> <p>Thad Noll requested an update on the Division of Transit and Rail at an upcoming STAC meeting.</p> <p><i>Handout: ColoRail Briefing to STAC</i></p>	No Action Taken