

Transportation Commission Workshops were held on Wednesday, March 15, 2017. The Regular Transportation Commission Meeting was conducted and was hosted at CDOT HQ Auditorium on Thursday, March 16, 2017.

Note: Materials for specific agenda items are available at <https://www.codot.gov/about/transportation-commission/meeting-agenda.html> by clicking on the agenda item on the schedule provided at this site. For the full agenda of workshops and sessions see the link presented above.

Transportation Commission Committee Meetings Wednesday, March 15, 2017

Right of Way Acquisition Workshop (Josh Laipply)

Purpose: The purpose of the workshop is to discuss right-of-way acquisition (negotiations), settlement and condemnation documents Post-Amerco Real Property Acquisitions and Purchases.

Action: Approve resolutions for right-of-way acquisition, settlement, and condemnation.

The two projects involving condemnation include the TC District 5 - PR US 34 Big Thompson Canyon, Unit 2, and the TC District 8 - US 160 McCabe Creek Culvert Replacement.

Discussion:

- An ad hoc subcommittee of the Commission has been formed to outline right-of-way procedures in more detail and is being led by Commissioners Thiebaut and Zink.
- Regarding the Kammerzell property for SH 60 project, there are issues. The issues where CDOT has jurisdiction have been discussed and resolved; other issues related to mitigation of flooding are not CDOT's responsibility (removal of sediment in the stream/under a bridge – these are Army Corps of Engineers issues). Recommend to move forward with right-of-way acquisition/negotiation proceedings for this project.
- LePlatt Property – for SH 12 Critical Scour Bridge – recommend to pull right-of-way acquisition for this project due to receiving a new email from the property owners pertaining to this project.
- No comments were raised for right-of-way Settlements.
- For right-of-way condemnations – US 160 McCabe Creek project will be pulled due to new information obtained regarding this project.
- US 34 Big Thompson Canyon project right-of-way condemnation – several parcels were pulled – related to landowners being deceased no heirs listed; one heir was found and this heir requested condemnation that will allow CDOT to obtain the property and quiet title. Need to complete more steps before approval is requested from the Commission for condemnation of these pulled parcels.

5311 Distribution Update (Mark Imhoff)

Purpose: The purpose of the workshop was to describe the recommended methodology that CDOT will use to distribute the FTA Section 5311 program operating funds to rural transit providers for calendar year (CY) 2018.

Action: Preparation for an April 2017 resolution to approve the newly recommended FTA Section 5311 operating funds distribution methodology for CY 2018.

- A TRAC subcommittee with CDOT staff have come to consensus on how Section 5311 funds should be distributed for CY 2018. Process is primarily based on previous funding awards received and includes:
 1. Categorize Agencies by Size (Very Small, Small, Medium, Large, and Very Large).

2. Each category will be assigned a budget factor (ranging from 50% for Very Small down to 4% for Very Large), which is multiplied by the operating budget of each agency within the category to determine the grant level.
- A transition plan will phase in funding changes over a five-year period.
 - Next steps include presenting this new method to STAC and TRAC in March with the TC approving the new method in April 2017.
 - Propose a call for projects to occur in late April 2017.
 - Subcommittee will conduct further deliberations in summer 2017.

Discussion:

- The Commissioners expressed concern regarding the timeline for required approvals and requested more information regarding the impacts of the proposed process change and how recipients will be effected.
- Also concern related to the process not accounting how previous funding was spent effectively by recipients or based on merit; this process is considered a “backfill” process by several Commissioners.
- DTR provided a table outlining the changes identified for the next 5 years under the proposed transition plan; membership of the TRAC subcommittee that worked to develop and obtain consensus on the new process were also described.
- The new process proposed was publicized and most recipients have been informed of the impacts of the new process; no more or less change than 3% for first the two years, 5% for the third year, 6% for the fourth year, and 7% for the 5th year of transition.
- The rationale was explained for why an April approval date is being requested by DTR, as it was requested by the Commission; time is needed for the application, review, and award procedures all to be completed by January 2018.
- Commissioners agreed to review a table highlighting recipient impacts under the new Section 5311 funding distribution process; Commission will discuss the new process at the breakfast tomorrow and work with DTR to get an approval on the Section 5311 distribution process on a timely basis and may take until May if necessary.
- The same subcommittee is to work on 5311 more over the summer; Commission requested monitoring of the new process to ensure process is equitable.
- Commission would like to see an efficiency measure be developed regarding how funds are spent by recipients. A desire for STAC input on the process was also expressed.
- CDOT Executive Director promised to get information to the Commission for them to be comfortable with proposed changes in the distribution process for Section 5311.
- Same evaluation of Section 5310 to occur over the next three years.

Safe Routes to School (Jeff Sudmeier and Leslie Feuerborn)

Purpose: Provide an overview of Safe Routes to School (SRTS) projects recommended for funding for FY 2017.

Action: Review recommended Safe Routes to School (SRTS) projects for FY 2017 as selected by the SRTS Advisory Committee, with Commission approval to follow in April 2017.

- For FY 2017, the SRTS Advisory Committee recommends funding six non-infrastructure and eight infrastructure projects, for a total of 14 recommended projects.
- Staff requests direction from the Transportation Commission, leading to formal approval of FY 2017 SRTS projects in April 2017, more specifically regarding how to address the balance of \$219,292 of unallocated non-infrastructure funds. Options include: 1) apply to FY 17 Loveland infrastructure project; 2) conduct a

second call for non-infrastructure projects for the remaining balance; 3) roll remaining funds into FY 2018 non-infrastructure projects; 4) return the balance and not spend the \$219,292; and/or 5) allow flexibility to spend between infrastructure and non-infrastructure projects by modifying the 2015 TC resolution. Staff recommendation is option number 1.

Discussion:

- The Commission expressed support for both the first option and also option 5 that would change policy to allow more flexibility for funds to be transferred between infrastructure and non-infrastructure projects, and avoid the need to check in with the Commission when situations like this occur in the future.
- Commission Chair requested a resolution be drafted to change the 2015 policy to permit flexibility related to transferring funds between non-infrastructure and infrastructure projects for SRTS when appropriate.

STIP Annual Update Workshop (Maria Sobota, Jamie Collins)

Purpose: To share information with the Transportation Commission regarding the Statewide Transportation Improvement Program (STIP) development methodology to comply with federal planning regulations and how the development of the Draft FY2018 - FY2021 STIP allows CDOT to maintain compliance and implement cash management principles. Also, staff will review the upcoming schedule of STIP milestones and request that the Commission release the Draft STIP for public review and comment as requested on the March Consent Agenda.

Action: Department staff requests the Commission release the Draft FY2018 – FY2021 STIP for public review and comment as part of the March Consent Agenda.

Proposed FY 2018 – 2021 STIP Timeline for Approval:

- March - Review Draft STIP and approve release for public comment period
- March / April – Minimum 30-day public comment period
- April - STIP Public Hearing with Transportation Commission
- May - Transportation Commission approval of STIP
- June - FHWA / FTA Approval of STIP
- July 1 - FY2018 – FY2021 STIP effective

Discussion:

- New STIP drops FY 2017 and adds FY 2021.
- Central 70 moving forward.
- C-470 to close on TIFIA loan.
- I-25 North moving forward.
- Will add RoadX FY 2018 funds to the STIP prior to requesting approval to release the FY 2018-2021 STIP to the public for comment.
- An internal subcommittee has been formed with members from: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), CDOT's – Division of Accounting and Finance (DAF), Division of Transportation Development (DTD), and Division of Transit and Rail (DTR) and will work with Regions on any relevant issues.
- Commission expressed no concerns related to the approval for release of Draft 2018-2021 STIP to public for comment.

CDOT Workforce Housing Study (Dave Eller)

Purpose: Provide an overview of a CDOT workforce housing study in Region 3 and discuss various approaches identified to address a lack of affordable housing in the areas of Pitkin County, Eagle County and Summit County. The study was prompted by CDOT having difficulty with filling maintenance positions in Region 3 and mountain communities throughout the state.

Action: None, for information only.

Study Findings:

- Lack of housing inventory remains a major issue CDOT Region 3 and rural areas of the state.
- CDOT Compensation Committee is also looking at increasing stipends, of approximately \$500 per month, in certain hard to fill areas, but stipend alone will not address housing inventory shortage.
- Guidance from Transportation Commission on CDOT ownership of housing and/or partnerships with Agencies and Developers, possibly using High Performance Transportation Enterprise (HPTE) to facilitate Public Private Partnerships (P3)/development opportunities.
- After guidance, CDOT will further explore options and then request approval for individual locations or a larger statewide program (through HPTE or other mechanism).

Discussion:

- There exists a 10% vacancy rate for maintenance positions in Region 3.
- Two options for CDOT – get into the home building/home owner market or partner with other entities – developers, cities, counties or other state agencies to provide housing for low income CDOT staff.
- Cost of homes in mountain areas evaluated are 2.5 times higher than those found in Denver.
- Housing costs of for an average income that can afford \$1,300.00 per month are not sustainable.
- Land is available now, but may not be in the future; mobile home parks are not a solution either – although in some instances they are being used to provide staff with housing now.
- Commission expressed desire to work with partners and third parties if it is decided to take action to find adequate housing for maintenance staff. CDOT should not get into the housing business alone.
- Working through the HPTE was described as a possible alternative for finding funding sources and forming partnerships.
- An ad hoc subcommittee of Commission was recommended, and will be formed to discuss CDOT's options more; members recruited include: Commissioners Gifford, Connell, Scott and Hall.

Operational Awareness – How the System is Functioning (Ryan Rice)

Purpose: To inform the Commission on current performance of Safety and System Performance (Planning Time Index), the purpose of the Division of TSM&O, and current main efforts and accomplishments of the Division to improve safety and mobility.

Action: None, for information only.

Since 2013 TSM&O has developed 10 new robust programs that previously did not exist at CDOT since its founding in 2013:

- Statewide Traffic Signal & Ramp Meter Program;
- Traffic Incident Management;
- Operations Policy & Support;
- Planning, Performance, & TDM;

- I-70 Corridor Operations;
- I-25 Corridor Operations;
- Statewide Traffic Management Centers Program;
- TSM&O Evaluation;
- COBRA Program; and the
- Connected & Autonomous Technologies Program.

TSM&O Budget Request for additional FY 17 is \$3.2 million to continue ongoing projects for FY 2017.

Discussion:

- Trend of fatalities increasing over past few years is where TSM&O has potential to make the biggest impact in terms of increasing safety.
- Cost of fatalities in Colorado are estimated to be \$14 billion.
- Another focus is on broadband expansion – the backbone of connected vehicle (CV) technology. Will work with partnerships to finance expansion projects.
- Commission requested if TSM&O has performance measures to present benefits of all their projects and work; the answer was yes approximately 12 key indicators exist, and that a future workshop to cover and explain all the benefits of TSM&O projects will answer this question in detail.
- CDOT is contracting out to a consultant to ensure chain laws are enforced; these expenses used to be paid by the maintenance budget.
- Commissioner asked what the original budget of TSM&O was for this fiscal year; approximately \$56 million.
- Commissioners wondered why additional funds are needed at this specific time.
- There are not enough funds to continue ongoing projects until the end of FY 2017 (June 30, 2017); CDOT has been conservative with funding TSM&O projects and CDOT Executive Director expressed the need for these additional funds.

Technology Committee – (Amy Ford, Peter Kozinski)

Purpose: To inform the Transportation Commission & Technology Committee on progress of:

- RoadX
- Workforce of the Future
- Chief Data Officer

Action: None, for information only.

Discussion:

- CDOT is partnering with Panasonic to build an eco-system (platform) to link vehicles to infrastructure to promote connected vehicle (CV) technology.
- Idea is the phase development and create interest from other state DOTs to develop their platforms after seeing Colorado's platforms.
- CDOT as first participant will obtain a lifetime license for all updates and improvements to the CV eco-system. Panasonic has experience building similar type platforms in Japan, and is a tier 1 supplier that has access to all vehicles with connected vehicle technology produced "off the lot".
- Interoperability between states is the desired outcome for the Panasonic platform for CVs.
- Smart Truck Parking is another project underway to help with increasing efficiency for truck drivers to find parking space – takes roughly 45 minutes for trucks to find parking – causes more wear and tear on

the roads and increases delivery costs – smart truck parking alerts drivers hours in advance of parking space availability.

- Executive Director noted he is the Chair of the National Operations Center of Excellence which ties into all of the technology work CDOT is doing.
- CDOT is retained a consultant firm to serve as in the capacity of CDOT's Chief Data Officer. The firm retained is Xentity.

Transportation Commission Regular Meeting Thursday, March 16, 2017

Call to Order, Roll Call

- Nine Commissioners in attendance, with Commissioner Hofmeister excused, and the District 4 Commissioner vacancy remaining.

Audience Participation (10 minutes – Three minutes per person)

- A Mr. Clark, representing his own interests, expressed his concern and opposition to the 70 Central project and the need for CDOT to focus funds more on transit vs. highway improvements. Believes the opposition to the 70 Central project could serve as an obstacle to passing any ballot initiative that identifies additional transportation revenue for CDOT. Prefers HUTF or something similar over the sales tax concept. We need a revenue source that is long-term and reliable.

Comments of Individual Commissioners

- Commissioner Gifford to attend Denver committee this evening to discuss list of projects for this fall.
- Commissioners recognized CDOT Region staff for their support and thanked members of the public who made the trip to attend today's meeting to make comments.
- Several Commissioners attended the CoPIRG Foundation meeting – a White Paper produced is interesting reading; discussed how to get populations without vehicles or means of travel to key services across the state (e.g. the elderly).
- Recognized the SH 9 wildlife improvements – no kills after installation of improvements – hope to see an emphasis of this program in other areas – great partnership between CDOT, and rancher and was a Responsible Acceleration and Maintenance and Partnerships (RAMP) project.
- Great article regarding Central 70 project interviewing the Executive Director Bhatt in 5280 magazine – recommended reading.
- Hyperloop technology is a proposed mode of passenger and freight transportation that would propel a pod-like vehicle through a near-vacuum tube at more than airline speed using mag lev technology. The tubes could also go above ground on columns or underground, eliminating the dangers of grade crossings. It is hoped that this type of system will be highly energy-efficient, quiet and autonomous with potential speeds ranging from 600 mph up to 760 mph.
- CDOT Executive Director and Amy Ford, Communications Officer will be presenting to FHWA to compete with approximately 34 other states to become a location for a hyperloop demo potentially from DIA to Greeley.
- Commissioner Gilliland recognized and thanked Commissioner Gifford for attending an Upper Front Range TPR meeting – meant a lot to the TPR and they were impressed with interest expressed from others outside their area.
- Several meetings were attended by Commissioners: Colorado Springs Chamber, I-25 Castle Rock PEL meeting, Weld County, Club 20, Efficiency and Accountability Committee.
- Weld County building a 4 lane highway between SH 14 and Kersey to take pressure off of US 85.

- Monument Gap project on I-25 work is progressing but a funding source is needed to implement this project.
- Commissioners Reiff and Zink joined the Executive Director and other staff to meet with Colorado congressional delegates – trip resulted in good conversations regarding transportation needs.

Executive Director's Report (Shailen Bhatt)

- Recognized Amy for her assistance in getting the 5280 article accomplished.
- Thanked Ron and Mickey for their help with the D.C. trip and thanked Commissioners for attending.
- Does not see any D.C. infrastructure bill being the solution for Colorado's transportation issues due to the level of private funding sources anticipated – 40:1. Healthcare is taking prominence over transportation infrastructure at this time.
- Appreciated the civil discourse of Mr. Clark who commented on Central 70 project; it is a 14 year effort, there are people that want this project completed, but understand importance of addressing 70 Central concerns prior to a push forward with a ballot to obtain a positive outcome.

Chief Engineer's Report (Josh Laipply)

- US 34 is a permanent recovery project as a result of the 2013 floods, and is a Construction Manager/General Contractor (CM/GC) project. Phasing this project and learning things – e.g. blasting production – evaluating efficiencies and attempting to reduce roadway closure times – will take schedule for this to the public.
- Grand Avenue Bridge Project – is a shining example of a community coming together to make things work during the closure of the bridge. Businesses coalescing around project detour and actively promoting bicycle and pedestrian mobility through town. Although the closure of the bridge planned for August will be difficult, the community is working to make the best of it.
- Brett Johnson, Director of the Office of Major Project Development, has resigned to become CFO of the Aurora School District. Brett was recognized for his major contributions to CDOT related to innovative ideas under his leadership.
- David Spector also recognized Brett for his support of the HPTE.

HPTE Director's Report (David Spector)

- HPTE Board approved the budget and the C-470 direct agreement (being submitted to the Commission for their approval today).
- Public engagement activities for Central 70 and US 36 were discussed.
- HOV2 to HOV 3 – CDOT recognized for their smooth transition due to a successful public outreach campaign alerting the public of the change. Recognized at International Bridge, Tunnel and Turnpike conference for this work too.
- Look for a public/private partnership (P3) 101 document later this year, being produced by a third party – the intent is to educate, legislature and Commission on P3s.
- E-470 Express Toll service provider is retiring – Stan Koniz – was recognized for this service.

Federal Highway Administration (FHWA) Director Report (Bill Haas)

- FHWA FY 2018 proposed budget released this AM; it proposes eliminating the TIGER program.
- FHWA is conducting its annual risk assessment; working with CDOT on this; the top risk currently is safety with the increase of fatalities occurring.

Statewide Transportation Advisory Committee (STAC) Report (Vincent Rogalski)

- STAC members expressed concern for potential diverting of needed maintenance funds from projects as a result of use of Commission contingency funds spent for design and other programs; however, noted that contingency funds expended to date have been distributed equitably.
- Glad to hear the Aeronautics Division is back on track and building reserves.
- Alternative Fuels program has \$30 million to spend over 5 years – CNG service, but what about electric?
- Was able to turn around request to designate Alt Fuels corridors in one month – impressive; STAC desires to be kept informed of any further decisions regarding alternative fuels and related programs.
- National Freight Highway System – as a result of FASTER legislation – working with the Freight Advisory Council (FAC), but have only heard from the FAC Steering Committee – prefer to hear from full FAC prior to making recommendations.
- Traffic Incident Management – concept is to clear crashes ASAP to avoid secondary crashes that can occur due to primary crash slowing/stopping traffic. Identified the need for shoulders, so all crashes can be moved completely off the road, especially in rural areas – eastern plains and western slope.
- Move Over law discussed – either move over one lane when a crash occurs or emergency vehicles are on the scene – need to work to get message out about this law.
- \$68 million settlement from Volkswagen – there is a focus on non-attainment areas – considering the number of alternative fuel registered vehicles in a given area was also raised by STAC members as another important criteria.
- Recommended to the Commission to read the new planning manual that will be out soon – very informative document that explains how projects are identified and eventually constructed and implemented.
- Executive Director thanked Vince for making mention of the Aeronautics Division and their making a comeback earlier than anticipated. It is a very positive story.

Act on Consent Agenda (Herman Stockinger) – Approved unanimously on March 16, 2017.

1. Resolution to Approve the Regular Meeting Minutes of Feb. 16, 2017 (Herman Stockinger)
2. Updated Policy Directive 1604.0: Construction Public Notification Policy (Herman Stockinger)

Discuss and Act on the 9th Budget Supplement of FY 2016-17 (Maria Sobota) – Approved unanimously on March 16, 2017.

See the Transportation Commission packet for details on the budget supplement. Items not discussed during the workshop that Maria highlighted included:

- Division of Highway Maintenance \$7.1 million from contingency.
- TSM&O – \$3.2 million.
- Regions 2 and 4 requests due to increased scopes of work.

Discuss and Act to Release Draft of the FY 2017-2018 Annual Budget (Maria Sobota) – Approved unanimously on March 16, 2017.

- One change pertaining to safety education program since last month.

Discuss and Act to Release Draft of the FY 2018 -2021 STIP for Public Comment (Maria Sobota) – Approved unanimously on March 16, 2017.

Adopt Proposed Changes to Oversize/Overweight Rules, 2 CCR 601-4 – (Herman Stockinger) – Approved unanimously on March 16, 2017.

Discuss and Act on Right-of-Way Settlement Approvals (Josh Laipply) – Approved unanimously on March 16, 2017.

Discuss and Act on Right-of-Way Acquisition Approvals (Josh Laipply) – Approved unanimously on March 16, 2017.

- Mr. and Mrs. Kammerzell, landowners of right-of-way for SH 60 project testified to the Commission regarding their concerns related to major past flooding on their property that caused loss of cattle and close call for Mr. Kammerzell. Many pictures of flooding were shared with the Commission.
- Mrs. Kammerzell stressed the need to get agreements and understandings nailed down.
- Executive Director thanked Kammerzells for their polite urgency and agreed to have staff work with them and potentially engage other agencies who are likely to have jurisdiction over resolving flood mitigation concerns.
- Chief Engineer noted that a new hydrological model for the area is now available and may be used to assess flood impacts and potential mitigation practices. Fewer peers with a new bridge structure on or near their property would also provide a betterment.
- To clear the sediment a Section 404 permit would be required and be the responsibility of the Army Corps of Engineers.
- Commission approved the right-of-way acquisitions that permit negotiations to occur.

Discuss and Act on Right-of-Way Condemnation Approvals (Josh Laipply) – Approved unanimously on March 16, 2017.

Approval of HPTE Scope of Work/Fee for Service IAA Amendment (David Spector) – Approved unanimously on March 16, 2017.

Discuss and Act on C-470 Project Direct Agreement (David Spector) – Approved unanimously on March 16, 2017.

HQ/R1/R2 Update (David Fox)

- CDOT made the decision to sell both properties (HQ and Region 1) to the City and County of Denver.
- The anticipated move in dates according to the Executive Dashboards for HQ/Region 1 is April 19, 2018 and for Region 2 is May 1, 2018. Details regarding the budget status for the HQ/Region 1 and Region 2 buildings are available in the Commission packet. Due to conservative estimates used for the budget it appears money will be returned that is not spent.

Discuss and Act on R2/R4/Aurora COP Issuance (Maria Sobota) – Approved unanimously on March 16, 2017.

- Approve the not to exceed Parameters Resolution for the issuance of the Certificates of Participation (COPs) for the Region 2/Region 4 HQ building projects, expected to close in April 2017, which include:
 - Par Amount - \$65,000,000
 - Max Annual Lease Payments - \$4,750,000
 - Final Term of COPs - June 15, 2046

Other Matters: Discussion of HB 17-1242 (Herman Stockinger)

- Increase the rate of the state sales by 0.62 cents and use tax for 20 years beginning in 2018; it is anticipated to raise between \$667 million to \$702 million annually.
- \$300 million annually (non-fluctuating) to the state highway fund for use by the department of transportation (CDOT) to pay back bonds for strategic projects; and of the remaining new revenue:

- 70% (approximately \$140 million for each) to counties and municipalities in equal total amounts; and
- 30% (roughly \$120 million) to a newly created multimodal transportation options fund that would be geared towards transit – with separate management agency, and requires 25% of the funds to go to bicycle and pedestrian improvements (like TAP funds). Transportation Commission decide how percentages are split.
- Requires CDOT to spend \$50 million of its existing funds first to obtain the remaining \$300 million. Bill states CDOT shall bond \$3.5 billion up to \$5 billion.
- If no \$350 million in bonds to repay in a given year – first \$50 million non-bond payments set aside for may be spent for rapid response fund for emergencies, and the remaining revenue not used for bonds, may be spent on qualified (STIP) projects, priority list projects (Development Program), or maintenance projects.
- Bill will reduce Faster Safety surcharge funds by approximately \$79 million annually (CDOT believes it to be lower than this), and would eliminate anticipated 2018 -2020 CDOT SB 228 transfers.
- The first hearing is scheduled for next Wednesday, with the Executive Director testifying.
- Will be sure to keep the Commission informed of any and all updates related to this bill.
- 30 days after enactment of the bill, need to submit a project list from the Commission to the legislature.