



DATE: July 18, 2024
TO: Transportation Commission
FROM: Herman Stockinger
SUBJECT: Commission Resolutions Proposed for Adoption

- Proposed Resolution #1: Approve the Regular Meeting Minutes - NO PRINTED RESOLUTION
- Proposed Resolution #2: IGA Approval >\$750,000
- Proposed Resolution #3: Fiscal Year 2025 Maintenance Projects \$150K-\$250K Approval
- Proposed Resolution #4: Region 2 Access Appeal of Eisenberger Access
- Proposed Resolution #5: Disposal Parcels 24-EX, 17-EX, 18-EX, and 18EX-1, Golden
- Proposed Resolution #6: Disposal: Parcel AP-1-RM US 85 and WCR 44
- Proposed Resolution #7: Disposal: PE-304A, Littleton
- Proposed Resolution #8: 1st Budget Amendment of FY 2025
- Proposed Resolution #9: 1st Budget Supplement of FY 2025
- Proposed Resolution #10: FHWA DBE Goal Methodology Adoption
- Proposed Resolution #11: Full-Time Employee (FTE) Review
- Proposed Resolution #12: Condemnation Request

- Proposed Resolution #BTE1: Approve the Regular Meeting Minutes - NO PRINTED RESOLUTION
- Proposed Resolution #BTE2: 1st BTE Budget Supplement of FY25
- Proposed Resolution #BTE3: 1st BTE Budget Amendment FY25
- Proposed Resolution #BTE4: Recognition of the new BTE Board Officers for FY25

Proposed Resolution #2

Authorizing CDOT to execute Intergovernmental Contracts, Amendments, and Option Letters over \$750,000 of the projects specified below.

Approved by the Transportation Commission on July 18, 2024.

Whereas, pursuant to Colorado law at Section 43-1-110(4), C.R.S. the executive director or the chief engineer shall represent the department in negotiations with local governmental entities concerning intergovernmental agreements (IGAs) between the department and local governmental entities to implement the provisions of this article. No IGAs involving more than \$750,000 shall become effective without the approval of the commission.

Whereas, CDOT seeks to have the commission approve IGAs contracts identified in the attached IGA Approved Projects list each of which are IGAs greater than \$750,000.

Whereas, CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project; and

Whereas, the Transportation Commission acknowledges that it has reviewed the IGA summary in the consent packet, which included all information necessary; and

Whereas, the Transportation Commission has determined that the projects will serve the public interest and/or convenience of the traveling public and that the approval of the projects described in the report will serve the purpose(s) of the project; and

Now Therefore Be It Resolved, the Transportation Commission hereby declares that the public interest and/or convenience will be served by approving the contracts identified in the attached IGA Approved Projects list and CDOT is authorized to execute all documents necessary to further these projects except that substantial changes to the project and/or funding will need to be reapproved.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Region	Project Number(s)	Agency	Contract Value	Federal \$ (FHWA &/or USDT funds)	State \$	Local \$	Description
R1	25659	Adams County	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	Adams County Revenue OLA - Federal Boulevard BRT Design. Total Local Agency Contribution: \$1,000,000.00
	26330	Commerce City	\$2,132,000.00	\$1,918,800.00	\$0.00	\$213,200.00	Commerce City OLA - SH2 Median Improvements. Total Funds: \$2,132,000.00
	25659	Denver	\$2,500,000.00	\$0.00	\$0.00	\$2,500,000.00	Denver Revenue OLA - Federal Boulevard BRT Design. Total Local Agency Contribution: \$2,500,000.00
	25878	Golden	\$1,500,000.00	\$1,200,000.00	\$0.00	\$300,000.00	Golden OLA - Ford Street Multimodal Corridor. Total Funds: \$1,500,000.00
	25659	RTD	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	RTD Revenue OLA - Federal Boulevard BRT Design. Total Local Agency Contribution: \$1,000,000.00
	25526	Westminster	\$1,248,600.00	\$1,123,740.00	\$0.00	\$124,860.00	Westminster OLA - City of Westminster Signal Upgrades (14 Intersections). Total Funds: \$1,248,600.00
	25659	Westminster	\$1,000,000.00	\$0.00	\$0.00	\$1,000,000.00	Westminster Revenue OLA - Federal Boulevard BRT Design. Total Local Agency Contribution: \$1,000,000.00
R3	26158	Glenwood Springs	\$66,229,819.00	\$53,064,735.00	\$0.00	\$13,165,084.00	Glenwood Springs OLA - South Bridge Project. Total Funds: \$66,229,819.00

R4	21497	Boulder County	\$1,590,000.00	\$0.00	\$0.00	\$1,590,000.00	Boulder County Revenue OLA - CO119 Safety, Mobility and Bikeway Project. Total Local Agency Contribution: \$1,590,000.00
	25922	Milliken	\$1,002,706.00	\$802,165.00	\$0.00	\$200,541.00	Milliken OLA - Milliken Sidewalk & ADA. Total Funds: \$1,002,707.00
	26279	Weld County	\$2,415,750.00	\$2,000,000.00	\$0.00	\$415,750.00	Weld County OLA - WCR37 & CO392 Auxiliary Lane Improvements. Total Funds: \$2,415,750.00

Proposed Resolution #3

Fiscal Year 2025 Projects \$150K-\$250K Approval

Approved by the Transportation Commission on July 18, 2024.

Whereas, under Senate Bill 21-1056, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the “Construction Bidding for Public Projects Act;” and

Whereas, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$150 thousand, but are less than or equal to \$250 thousand for submission to the Transportation Commission for review and approval; and

Whereas, CDOT staff have prepared a cost estimate for this project to be done in Fiscal Year 2025.

Whereas, the funding for this project is contained in the Fiscal Year 2025 Budget.

Now Therefore Be It Resolved, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

Region 4 Section 1				
Hwy	Start	End	Type	Cost
042A	3.9	4.6	Overlay	\$225,640
066B	38.5	39.2	Mill and Fill	\$224,757
			Sum	\$450,397

Region 5 Section 3				
Hwy	Start	End	Type	Cost
090A	31.5	32.4	Overlay	\$246,200
			Sum	\$246,200

Sufficient funds exist within the appropriate MPA’s to pursue this project.

The project is in accordance with the directive and all other requirements.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #TC-2024-07-04

Approve Referral of CDOT Region 2 Access Appeal to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1(2.9)

Approved by the Transportation Commission on July 18, 2024.

Whereas, Applicant Michelle Eisenberger submitted a State Highway Access Permit Application dated January 31, 2024 (the “Application”); and

Whereas, the Application requests a Highway Access Permit for a new access to State Highway 115A to service the property located at 5550 Sandy Creek Heights, Colorado Springs, Colorado 80926 (the “Property”); and

Whereas, the Property to be served by the permit is owned by Michelle Eisenberger; and

Whereas, the Property currently has access to State Highway 115A via a recorded easement on an adjacent property (5560 Sandy Creek Heights), with which the Property shares an access; and

Whereas, CDOT denied the Application on March 29, 2024, explaining that the Application was denied because the Property is adjacent to State Highway 115A which has an Access Category of E-X (Expressway); there is a recorded ingress, egress and utility easement adjacent to the Property that can legally be used and is currently being used for access to the Property; the proposed access location is an undocumented field access that has not been approved for use; and the distance between the existing access to the Property and the proposed access does not meet the minimum distance requirements of the State Highway Access Code; and

Whereas, Michelle Eisenberger has filed a written appeal dated May 28, 2024 objecting the denial of the Application, in which she requested an administrative hearing to the Transportation Commission and the option to request a review by the Department’s internal administrative review committee pursuant to subsection 2.10 of the State Highway Access Code.

Now Therefore Be It Resolved, the Commission directs the hearing for Michelle Eisenberger’s appeal be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to facilitate the appeal pursuant to 2 CCR 601-1(2.9) and take all necessary actions to accommodate Michelle Eisenberger’s request for a hearing.

Be It Further Resolved, the Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

Herman Stockinger, Secretary

Date

Transportation Commission of Colorado

Proposed Resolution #5

Disposal - Parcels 17-EX, 18-EX, 18-EX1, and 24-EX, US 40 (Colfax Ave)

Approved by the Transportation Commission on July 18th, 2024.

Whereas, CDOT acquired Parcels 17-EX, 18-EX, 18-EX1, and 24-EX in the 1960's under Project F005-3(26) for the construction of US 40; and,

Whereas, Parcels 17-EX, 18-EX, 18-EX1, and 24-EX are south of US40 between Moss Street and McIntyre Street in the Town of Golden and County of Jefferson; and,

Whereas, Parcels 17-EX, 18-EX, 18-EX1, and 24-EX contain 700 Sq Ft (+/-) of property located outside of the right of way; and,

Whereas, Parcels 17-EX, 18-EX, 18-EX1, and 24-EX were intended to be conveyed to the then adjacent property owner; and,

Whereas, the deed to convey Parcels 17-EX, 18-EX, 18-EX1, and 24-EX to the then adjacent property owner was never recorded and ownership of the adjacent property has since changed; and,

Whereas, the disposal of Parcels 17-EX, 18-EX, 18-EX1, and 24-EX will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, the Department of Transportation, Region 1, has declared through Keith Stefanik as Chief Engineer that Parcels 17-EX, 18-EX, 18-EX1, and 24-EX are not needed for transportation purposes; and,

Whereas, the Department of Transportation would like to convey Parcels 17-EX, 18-EX, 18-EX1, and 24-EX to the current and only adjacent landowner for fair market value; and,

Whereas, Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) gives the abutting landowner first right of refusal to purchase so long as the parcel is of use to one abutting landowner and the parcel is purchased at fair market value; and,

Whereas, Pursuant to C.R.S 43-1-210(5) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes.

Now Therefore Be It Resolved, pursuant to the provisions of 23 CFR 710.403 and C.R.S, 43-1-210(5) the Department of Transportation be given authority to declare Parcel Parcels 17-EX, 18-EX, 18-EX1, and 24-EX located south of US40 between Moss Street and McIntyre Street in the Town of Golden, Jefferson County as excess property and dispose

of 700 Sq Ft (+/-) of right of way that is no longer needed for transportation purposes for fair market value.

**Herman Stockinger, Secretary
Transportation Commission**

Proposed Resolution #6

Disposal - Parcel AP-1-RM, US85 and Weld County Road 44

Approved by the Transportation Commission on July 18th, 2024.

Whereas, CDOT acquired Parcel AP-1-RM in 2020 under Project NHPP 0853-107 (21907) for the construction of the US 85 and WCR 44 interchange; and,

Whereas, Parcel AP-1-RM is northwest of the US85 and WCR 44 interchange in the town of Peckham and County of Weld; and,

Whereas, Parcel AP-1-RM contains 102,937 Sq Ft (2.36 Acres +/-) of property located outside of the right of way; and,

Whereas, no highway improvements have been or will be built on the disposal of Parcel AP-1-RM; and,

Whereas, the disposal of Parcel AP-1-RM will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, the Department of Transportation, Region 4, has declared through Keith Stefanik as Chief Engineer that Parcel AP-1-RM is not needed for transportation purposes; and,

Whereas, CDOT would like to dispose of Parcel AP-1-RM for fair market value; and,

Whereas, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes.

Now Therefore Be It Resolved, pursuant to the provisions of 23 CFR 710.403 and C.R.S, 43-1-210(5) the Department of Transportation be given authority to declare Parcel AP-1-RM located northwest of the US85 and WCR 44 interchange in the town of Peckham and County of Weld as excess property and dispose of 102,937 Sq Ft (2.36 Acres +/-) of right of way that is no longer needed for transportation purposes for fair market value.

**Herman Stockinger, Secretary
Transportation Commission**

Proposed Resolution #7

Disposal - Permanent Easement 304A-EX, S. Santa Fe Dr & W. Bellview Ave

Approved by the Transportation Commission on July 18th, 2024.

Whereas, CDOT acquired PE-304A-EX in the 1997 under Project FCU-(CX)085-2(057) Unit 3 in for the construction and maintenance of a sewer line; and,

Whereas, PE-304A-EX is located southwest of the S. Santa Fe Dr & W. Bellview Ave intersection in the town of Littleton, Arapahoe County; and,

Whereas, PE-304A-EX contains 794 Sq Ft and is located outside of the right of way; and,

Whereas, no highway improvements have been or will be built on PE-304A-EX; and,

Whereas, CDOT Region 1 has determined that disposing of PE-304A-EX will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, the Department of Transportation, Region 1, has declared through Keith Stefanik as Chief Engineer that PE-304A-EX is not needed for transportation purposes; and,

Whereas, CDOT would like to convey PE-304A-EX to the current property owner; and,

Whereas, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes.

Now Therefore Be It Resolved, pursuant to the provisions of 23 CFR 710.403 and C.R.S, 43-1-210(5) the Department of Transportation be given authority to declare PE-304A-EX located southwest of the S. Santa Fe Dr & W. Bellview Ave intersection in the town of Littleton, Arapahoe County as excess property and dispose of the 794 Sq Ft permanent easement that is no longer needed for transportation purposes to the current Property owner.

**Herman Stockinger, Secretary
Transportation Commission**

Proposed Resolution #8

Approval and adoption of the first budget amendment to the Fiscal Year 2024-25 Budget for the Colorado Department of Transportation.

Approved by the Transportation Commission on July 18, 2024.

Whereas, § 43-1-113 (2), C.R.S. (2020) requires the Transportation Commission to submit a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15 of each year, for their review and comments; and

Whereas, C.R.S. § 43-1-113(9)(c) requires the Transportation Commission adopt a final budget allocation plan, which shall upon approval by the Governor constitute the budget for the Department of Transportation for Fiscal Year 2024-25; and

Whereas, the Transportation Commission adopted the final budget allocation plan on March 21, 2024, and the final budget allocation was submitted to the Governor for approval prior to April 15, 2024; and

Whereas, the Transportation Commission has the statutory authority to alter the Fiscal Year 2024-25 adopted budget allocation plan after it is delivered to and approved by the Governor; and

Whereas, the first budget amendment reallocates budget across the Maintenance Program Areas (MPAs, Lines 23 through 32) to reflect the estimated need for each MPA in FY 2024-25. The total allocation remains unchanged at \$297.9 million; and

Whereas, the first budget amendment transfers \$1,854,338 from the TC Program Reserve Fund in the Commission Reserve Fund (Line 73) to address a shortfall for the Payments to Risk Management and Property common policy for FY 2024-25. Of the total, \$1,068,387 will be transferred to the Administration line (Line 67) and the remaining \$785,951 will be transferred to the Agency Operations line (Line 66);

Now Therefore Be It Resolved, that the Colorado Department of Transportation's amended budget allocation plan for the period of July 1, 2024 through June 30, 2025, is approved by the Transportation Commission with the amendments as set forth in this Resolution.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #9

Approval and Adoption of the First Supplement to the Fiscal Year 2024-2025 Budget for the Colorado Department of Transportation.

Approved by the Transportation Commission on July 18, 2024

Whereas, the budget requests being presented to the Transportation Commission this month have been reviewed and were determined to meet the criteria outlined in Policy Directive 703.0, requiring approval by the Transportation Commission; and

Whereas, the project requests included in the Supplement and detailed below are consistent with the FY 2024 through FY 2027 STIP, and funds are available from existing program allocations, unless otherwise indicated.

10 Year Plan Change

- \$2,800,000 - Increase 10 Year Plan Funding for Region 3 CO 65 between CO 92 and Orchard City

Project Increase

- \$1,500,000 - Increase FASTER funds for Region 3 US 6 Post Boulevard Roundabout Reconstruction Project

Now Therefore Be It Resolved, after review and consideration, the First Supplement to the Fiscal Year 2024-2025 Budget is approved by the Transportation Commission.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #10

Acknowledging and approving the DBE participation goal that CDOT shall submit to FHWA.

Approved by the Transportation Commission on

Whereas, in accordance with 49 CFR Part 26, the Colorado Department of Transportation (CDOT) must establish an overall goal for Disadvantaged Business Enterprise (DBE) participation on all Federal Highway Administration (FHWA) funded contracts for Federal Fiscal Years 2025-2027; and

Whereas, CDOT must follow the methodology established by 49 CFR Part 26 to establish the overall goal; and

Whereas, CDOT published its methodology and began the public comment process on May 30, 2024; and

Whereas, CDOT presented its recommendations for the overall goal to the Transportation Commission's Small Business and Diversity Committee and the presentation provided the factual predicate required by the United States Department of Transportation in 49 CFR 26.45 for establishing the overall DBE goal; and

Whereas, after reviewing all feedback and comments received, no adjustments have been made to the initial 12.48% DBE goal recommendation; and

Whereas, 49 CFR Part 26 requires that the maximum feasible portion of the goal be met with race and gender neutral means.

Now Therefore Be It Resolved, the Colorado Transportation Commission hereby acknowledges and approves that CDOT shall submit to FHWA an overall goal of 12.48% DBE participation on all FHWA-funded contracts, with 5.38% to be met with race and gender-neutral means and 7.1% to be met with race-conscious means.

Be It Further Resolved, that following approval from FHWA, the overall goal for DBE participation on all FHWA-funded contracts during Federal Fiscal Years 2025-2027 shall be 12.48%.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #11

Resolution to increase CDOT's FTE count by 12.0 FTE positions based on identified legislative needs.

Approved by the Transportation Commission on July 18, 2024.

Whereas, pursuant to Transportation Commission Policy Directive 703.0, Appendix D, increasing the number of CDOT Full Time Equivalent (FTE) staff requires Transportation Commission review and approval;

Whereas, the Transportation Commission was presented information regarding a request from the CDOT management team for an additional 12.0 new permanent FTEs based on identified legislative needs, which would increase CDOT's total FTEs by 0.3% percent; and

Now Therefore Be It Resolved, that the Colorado Department of Transportation's new FTE count cap is 3,479 actively filled positions.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #12

R5, CO 151 Culvert Replacement, Project Number FBR 151A-012, Project Code 25737

Authorizing the Chief Engineer to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property specified below.

Approved by the Transportation Commission on July 18, 2024.

Whereas, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

Whereas, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

Whereas, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

Whereas, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

Whereas, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

Whereas, on March 18, 2024, the right of way plans for CO 151 Culvert Replacement, Project Number FBR 151A-012, Project Code 25737 ("Project") were authorized by the Chief Engineer; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the authorization of right of way plans by the Chief Engineer allowed CDOT to acquire land necessary for the Project by purchase, exchange, or negotiations with landowners; and

Whereas, CDOT attempted to negotiate with the landowners, but the attempts to negotiate with the landowners were unsuccessful; and

Whereas, the Property sought by CDOT may include buildings, structures, or other improvements on the real Property and may also include tenant-owned improvements, personal property, and other real estate; and

Whereas, CDOT obtained temporary possession and use of the Property for the purpose of emergency repairs, CDOT does not have the necessary ongoing possession of the Property; and

Whereas, CDOT's inability to work on the Property will likely cause delay to the CO 151 Culvert Replacement, Project Number FBR 151A-012, Project Code 25737; possibly resulting in significant monetary harm to CDOT; and

Whereas, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer seeking approval to initiate and conduct condemnation proceedings, and the report included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

Now Therefore Be It Resolved, the Transportation Commission authorizes CDOT to initiate and conduct condemnation proceedings for the following landowner. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items through eminent domain proceedings if necessary.

CDOT may initiate and conduct condemnation proceedings for the following landowners or properties:

1. Landowner Name: Matthew Cary Tippin and Lindsay Nicole Tippin
Address of Property: 5671 State HWY 151, Pagosa Springs, Colorado 81147
Parcels Required: RW-2, TE-2, TE-2A
Estimated Property Value, Damages and Benefits (if any): \$1,270

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #BTE-2

Approval and Adoption of the First Fiscal Year 2024-25 Project Budget Supplement for the Statewide Bridge and Tunnel Enterprise (BTE).

Approved by the Bridge and Tunnel Enterprise Board of Directors on July 18, 2024.

Whereas, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, defined in C.R.S. § 43-4-803(10) as those bridges identified by CDOT as structurally deficient or functionally obsolete and rated by CDOT as poor; and

Whereas, in 2021, the Colorado General Assembly passed Senate Bill 21-260, which was signed into law by the Governor on June 17, 2021, expanding the BE to include both designated bridge projects and surface transportation infrastructure projects for tunnels and renaming the expanded enterprise the Statewide Bridge and Tunnel Enterprise (BTE), C.R.S. § 43-4-805(2)(a)(I)(2021); and

Whereas, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

Whereas, pursuant to C.R.S. § 43-4-805(5)(m), the BTE Board of Directors (the “Board”) is empowered to set and adopt, on an annual basis, a program budget for the BTE; and

Whereas, under Policy Directive 703.0, approval by the Board is required to establish initial funding for BTE-eligible construction projects as well as any project increases above certain thresholds over the life of the project; and

Whereas, the project request(s) included in the Supplement and summarized below are consistent with the FY 2024-25 through FY 2027-28 Statewide Transportation Improvement Program (STIP); and

Description	Region	Project Number	Eligible Structures Addressed	Amount Requested
Establish Construction Phase	4	22529	B-27-D, B-27-A, B-27-F, A-27-A	\$ 22,653,754
Establish Design Phase	5	26416	K-09-B & L-11-C	\$ 862,635

Whereas, the project budget request(s) being presented to the Board for approval this month have been reviewed and met BTE funding eligibility as well as prioritization criteria; and

Now Therefore Be It Resolved, after review and consideration, the Ninth Supplement to the Fiscal Year 2023-24 Budget is approved by the Bridge and Tunnel Enterprise Board.

Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors

Proposed Resolution #BTE3

Approval and adoption of the first Fiscal Year 2024-25 Budget Amendment for the Statewide Bridge and Tunnel Enterprise (BTE).

Approved by the Bridge and Tunnel Enterprise Board of Directors on July 18, 2024.

Whereas, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, defined in C.R.S. § 43-4-803(10) as those bridges identified by CDOT as structurally deficient or functionally obsolete and rated by CDOT as poor; and

Whereas, in 2021, the Colorado General Assembly passed Senate Bill 21-260, which was signed into law by the Governor on June 17, 2021, expanding the BE to include both designated bridge projects and surface transportation infrastructure projects for tunnels and renaming the expanded enterprise the Statewide Bridge and Tunnel Enterprise (BTE), C.R.S. § 43-4-805(2)(a)(I)(2021); and

Whereas, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

Whereas, pursuant to C.R.S. § 43-4-805(5)(m), the BTE Board of Directors (the “Board”) is empowered to set and adopt, on an annual basis, a program budget for the BTE; and

Whereas, the Board has statutory authority to amend the Fiscal Year (FY) 2024-25 adopted budget allocation plan after it has been approved; and

Whereas, the Board approved Resolution #BTE4, Approving Certain Matters with Respect to the Colorado Bridge and Tunnel Enterprise Senior Infrastructure Revenue Bonds, Series 2024A, on March 21, 2024, which among other things, authorized the marketing and sale of the BTE Series 2024A Senior Infrastructure Revenue Bonds (bonds), and

Whereas, the Bond Purchase Agreement for the bonds was executed on April 2, 2024, which among other things established the terms for the transaction, and

Whereas, the total BTE debt service for repayment of the bonds in FY 2024-25 is \$8,956,097, \$2,197,200.83 of which is accrued in FY 2023-24, and

Whereas, the FY 2024-25 BTE debt service obligation of \$6,758,896.17 was not reflected in the approved BTE FY 2024-25 Budget Allocation Plan, and

Whereas, the first budget amendment of FY 2024-25 reallocates \$6,758,896.17 from the BTE Capital Construction line (Line 37) to 2024A Infrastructure Revenue Bond Debt Service (Line 32) to allow the BTE to meet its FY 2024-25 debt service obligations.

Now Therefore Be It Resolved, after review and consideration, the First Budget Amendment to the FY 2024-25 Budget is approved by the Bridge and Tunnel Enterprise Board.

Now Therefore Be It Further Resolved, the Bridge and Tunnel Enterprise Board authorizes the transfer of \$2,197,200.83 in available FASTER Bridge Safety Surcharge revenues to FY 2023-24 to account for the portion of the FY 2024-25 debt service payment that was accrued in FY 2023-24.

Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors

Proposed Resolution #BTE-4

Recognition of the election of Bridge and Tunnel Enterprise Chair, Vice Chair, and Secretary for Fiscal Year 2024-25.

Approved by the Bridge and Tunnel Enterprise Board of Directors on July 18, 2024.

Whereas, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, defined in C.R.S. § 43-4-80(10) as those bridges identified by CDOT as structurally deficient or functionally obsolete and rated by CDOT as poor; and

Whereas, in 2021, the Colorado General Assembly expanded Colorado Bridge Enterprise to include both designated bridge projects and surface transportation infrastructure projects for tunnels, and, in so doing, re-named the expanded enterprise as the Statewide Bridge and Tunnel Enterprise, C.R.S. § 43-4-80(2)(a)(I); and

Whereas, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

Whereas, pursuant to C.R.S. § 43-4-805(5)(f) the Transportation Commission shall serve as the Bridge and Tunnel Enterprise Board; and

Whereas, the BTE Board adopted Amended Articles of Organization and Board Bylaws which govern the operations of the BTE; and

Whereas, the BTE Board Bylaws identify the officers of the BTE as a Chair, Vice Chair, and Secretary and call for their election annually; and

Whereas, the BTE Board Bylaws further provide that the BTE Chair and Vice Chair be members of the BTE Board and that the Secretary is not a member of the BTE Board.

Now Therefore Be It Resolved, the BTE Board of Directors hereby elects the FY 2024-25 Transportation Commission Chair, Vice Chair, and Secretary to serve as Chair, Vice Chair, and Secretary of the BTE Board of Directors, respectively, until their successors are elected.

Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors