



DATE: February 20, 2025
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: Disposal Parcels 29-C-EX and 1-EX, El Rancho

Proposed Resolution #4: Disposal Parcels 203, 204, 205, 206, and 207-EX, Silverplume

Proposed Resolution #5: FY '25 Maintenance Projects - \$150k-\$300k

Proposed Resolution #6: MMOF Match Reduction Request

Proposed Resolution #7: Right of Way Condemnation Authorization Request- Front Range Holdings LLC

Proposed Resolution #8: Right of Way Condemnation Authorization Request- WCR 34 & HWY 25-220 LLC

Proposed Resolution #9: 5th Budget Supplement of FY 25

Proposed Resolution #10: Commitment of Additional 10-Year Plan Funds to Floyd Hill Project

Proposed Resolution #11: Courtesy Patrol IAA Between CTIO & CDOT

Proposed Resolution #12: Request for Express Approval - Proposed Public Private Initiative Agreement with National Renewable Solution ("NRS")

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 February 20, 2025.

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

February 2025- IGAs > \$750,000

Region	Project Number(s)	Agency	Contract Value	Federal \$ (FHWA &/or USDT funds)	State \$	Local \$	Description
R1	23594	Aurora	\$8,270,500.00	\$6,616,000.00	\$0.00	\$1,654,500.00	Aurora AM 2 - 9 Mile Bike/Pedestrian Bridge over Parker Road. This Amendment 2 increases funding by \$1,063,000.00 for a new total of \$8,270,500.00. Total Funds: \$8,270,500.00
	21740	Denver	\$1,456,674.00	\$1,165,339.00	\$0.00	\$291,335.00	Denver AM 1 - South Platte Greenway Sidewalk Improvement at Iowa Street and Santa Fe Drive. This Amendment 1 terminates the contract and updates the funding to reflect actual billed costs. It decreases the funding by \$15,826.00 for a new total of \$1,456,674.00. Total Funds: \$1,456,674.00
	26440	Denver	\$989,430.00	\$890,487.00	\$0.00	\$98,943.00	Denver OLA - Pena Boulevard I-70 to Jackson Gap Street Upgrades. Total Funds: \$989,430.00
R2	26760	Canon City	\$1,000,000.00	\$900,000.00	\$0.00	\$100,000.00	Canon City OLA - Widen Central Avenue & Orchard Intersections Improvements. Total Funds: \$1,000,000.00
	26434	Park County	\$1,026,694.00	\$850,000.00	\$0.00	\$176,694.00	Park County OLA - Park County Roadways 11-mile Improvement Project. Total Funds: \$1,026,694.00
	22616	Pueblo	\$1,519,850.00	\$1,215,880.00	\$0.00	\$303,970.00	Pueblo AM 1 - Mel Harmon Bridge Rehabilitation Project. This Amendment 1 increases funding by \$996,474.00 for a new total of \$1,519,850.00 Total Funds: \$1,519,850.00

R4	25147	Weld County	\$1,668,366.00	\$0.00	\$0.00	\$1,668,366.00	Weld County Revenue OLA - CO 52 and CR 59 Intersection Improvements. Total Funds: \$1,668,366.00

Proposed Resolution #3

Disposal - Parcels 1-EX and 29-C-EX, I70 and US40, El Rancho, Jefferson County

Approved by the Transportation Commission on February 20th, 2025.

Whereas, CDOT acquired Parcel 1-EX in 1938 under Project No. P.W.A. No. 6007-D for the construction of US40 (formerly State Highway No. 2); and,

Whereas, Parcel 1-EX is located west of Evergreen Parkway and runs parallel to the north side of US 40 in the County of Jefferson; and

Whereas, Parcel 1-EX is located outside of the right of way of US40 and contains 53,919 Sq Ft (1.238 Acres) (+/-); and,

Whereas, CDOT acquired Parcel 29-C-EX in 1973 under Project No. I 70-3(33)253 Sec 2 for the construction of Interstate 70; and,

Whereas, Parcel 29-C-EX is located west of Evergreen Parkway and runs parallel to the south side of Interstate 70 in the County of Jefferson; and,

Whereas, Parcel 29-C-EX is located outside of the right of way of Interstate 70 and contains 43,363 Sq Ft (0.995 Acres) (+/-); and,

Whereas, no highway improvements have been or will be built on Parcels 1-EX and 29-C-EX; and,

Whereas, CDOT Region 1 has determined that disposing of Parcels 1-EX and 29-C-EX will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, CDOT Region 1 would like to dispose of Parcels 1-EX and 29-C-EX, together containing 97,282 Sq Ft (2.233 Acres) (+/-), to the adjacent landowner for fair market value; and,

Whereas, funds from the sale of Parcels 1-EX and 29-C-EX shall be disbursed in accordance with Chapter 7 of the CDOT Right-of-Way Manual; and,

Whereas, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210(5) to make determinations regarding land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

Whereas, CDOT Region 1 has declared through Keith Stefanik as Chief Engineer that Parcels 1-EX and 29-C-EX, together containing 97,282 Sq Ft (2.233 Acres) (+/-), are not needed for transportation purposes; and,

Whereas, the Transportation Commission concurs with the Chief Engineer that this property is not needed for transportation purposes now or in the foreseeable future; and,

Now Therefore Be It Resolved, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210; Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409) the Department of Transportation be given authority to declare Parcels 1-EX and 29-C-EX as excess land and dispose of a combined 97,282 Sq Ft (2.233 Acres) (+/-) of land that is no longer needed for transportation purposes to the adjacent property owner for fair market value.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #4

Disposal - Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX, Water Street (formerly State Highway 91), Silver Plume, Clear Creek County

Approved by the Transportation Commission on February 20th, 2025.

Whereas, CDOT acquired Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX in 1938, under Project No. A.W.P. 6009A, for the construction of Water Street (formerly SH 91) in Clear Creek County; and,

Whereas, Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX are located between South Garfield St and Woodward Ave on the north side of Water Street (Formerly SH 91) in Silver Plume; and,

Whereas, In 1966, Project No. I 70-3(26)225 Sec 3 relocated SH 91 from Water Street to the south of Silver Plume into the current alignment of Interstate 70; and,

Whereas, because of Project No. I 70-3(26)225 Sec 3, Water Street (formerly SH91) is now the Frontage Road for Interstate 70 through Silver Plume; and,

Whereas, Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX are located outside of the right of way of the Interstate 70 Frontage Road; and,

Whereas, Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX together contain 5,787 Sq Ft (0.133 Acres) (+/-); and,

Whereas, no highway improvements have been or will be built on Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX; and,

Whereas, CDOT Region 1 has determined that disposing of Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, CDOT Region 1 would like to dispose of Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX, together containing 5,787 Sq Ft (0.133 Acres) (+/-), to each respective adjacent property owner for fair market value; and,

Whereas, funds from the sale of Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX shall be disbursed in accordance with Chapter 7 of the CDOT Right-of-Way Manual; and,

Whereas, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210(5) to make determinations regarding land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

Whereas, CDOT Region 1 has declared through Keith Stefanik as Chief Engineer that Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX, together containing 5,787 Sq Ft (0.133 Acres) (+/-), are not needed for transportation purposes; and,

Whereas, the Transportation Commission concurs with the Chief Engineer that these properties are not needed for transportation purposes now or in the foreseeable future; and,

Now Therefore Be It Resolved, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210; Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409) the Department of Transportation be given authority to declare Parcels 203-EX, 204-EX, 205-EX, 206-EX, and 207-EX as excess land and dispose of a combined 5,787 Sq Ft (0.133 Acres) (+/-) of land that is no longer needed for transportation purposes to each respective adjacent property owner for fair market value.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #5

Fiscal Year 2025 Projects \$150K-\$300K Approval

Approved by the Transportation Commission on February 20, 2025.

Whereas, under Senate Bill 24-1143, 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 \$300 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 3 Section 2				
Hwy	Start	End	Type	Cost
006D	92.5	102.5	Chip Seal	\$245,000
340A	4	9	Chip Seal	\$240,000
			Sum	\$485,000

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 #6

Approved by the Transportation Commission on February 20, 2025.

Whereas, the Multimodal Transportation and Mitigation Options Fund (MMOF), governed by Title 43-4-1103(1) of the Colorado Revised Statutes, requires a 50% Match Funding Rate, such that any project awarded funding requires an equal or greater match of funds from sources other than the MMOF; and

Whereas, Transportation Commission Resolution #TC-2024-05-06 provides for reduced or eliminated Match Funding Rates below the requisite 50% on projects sponsored by certain counties and municipalities; and

Whereas, the Transportation Commission is also permitted to grant further reduced match requirements on individual projects, when recommended by CDOT Staff; and

Whereas, the Regional Planning Commissions for the Upper Front Range and the North Front Range Transportation Planning Regions, acting as the Local MMOF awarding agencies, formally approve and support the reduction of the Match Rate required on an eligible project awarded to Weld County; and

Whereas, the Upper Front Range Transportation Planning Region, acting as the Local MMOF awarding agency, formally approves and supports the reduction of the Match Rate required on an eligible project awarded to the Town of Platteville; and

Whereas, CDOT Staff recommend the Transportation Commission approve the proposed project match rate reductions as presented.

Now Therefore Be It Resolved that the Colorado Transportation Commission approves the reduction of match funding rates required on the following projects:

- Weld County, Weld County On-demand Transit Program, 50% match rate reduced to 25%
- Town of Platteville, Downtown Business District Sidewalk Improvement, 50% match rate reduced to 25%

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #7

R4, Project #: NHPP 0253-285, I-25 Segment 5 (CO 66 to CO 56), Project Code: 24309

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 February 20, 2025

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 June 19, 2024, the right of way plans for I-25 Segment 5 (CO 66 to CO 56), Project Number NHPP 0253-285, Project Code 24309 ("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's inability to work on the Property will likely cause delay to I-25 Segment 5 (CO 66 to CO 56), Project Number NHPP 0253-285, Project Code 24309; 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:** Front Range Investment Holdings, LLC
Address of Property: Located in the SW ¼ and NW ¼ Qtr of Sec. 35 Twp 3N, Rng 68W, Parcel ID #106135000004 and 106135200016
Parcels Required: TE-550, TE-550A, TE-556
Estimated Property Value, Damages and Benefits (if any): \$1,287
2. **Landowner Name:** Front Range Investment Holdings, LLC, Little Thompson Water District (easement holder)
Address of Property: Located in the W ½ Sect. 26, Twp 4N Rng 68W, Parcel ID # 106126200004
Parcels Required: UE-557 REV, TE-557A, TE-557B, TE-557C
Estimated Property Value, Damages and Benefits (if any): \$2,532

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #8

R4, Project #: NHPP 0253-285, I-25 Segment 5 (CO 66 to CO 56), Project Code: 24309

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 February 20, 2025.

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 June 19, 2024, the right of way plans for I-25 Segment 5 (CO 66 to CO 56), Project Number NHPP 0253-285, Project Code 24309 ("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's inability to work on the Property will likely cause delay to I-25 Segment 5 (CO 66 to CO 56), Project Number NHPP 0253-285, Project Code 24309; 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:** WCR 34 & HWY 25-220, LLC, a Colorado limited liability company (landowner), Town of Mead (easement holder for sanitary sewer facilities), United Power (easement holder for electric and communication facilities), Saddle Butte Pipeline (easement holder for oil and gas pipeline), Platte River Power Authority (easement holder for electric transmission line), Larry H. Miller Management Corporation (lien holder, Assignment of Deed of Trust)
Address of Property: Lot 5, Track B and Lot 6 of the Raterink Mixed-Used Subdivision, Final Plat, located within the SW1/4 of Section 11, Township 3N, Range 68W, Weld County CO Parcel ID #'s: 120711302005, 120711302009, 120711302006
Parcels Required: RW-516 REV, PE-516 REV, UE-516, TE-516 REV, RW-517 REV, UE-517, TE-517 REV, RW-520 REV, PE-520, UE-520, TE-520 REV, TE-520A
Estimated Property Value, Damages and Benefits (if any): \$553,900
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Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #9

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

Approved by the Transportation Commission on February 20, 2025.

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.

Transfers Between 10 Year Plan Projects

- - \$2,200,000 - Decrease #2714 Castle Rock Mobility Hub
- + \$2,200,000 - Increase #2744 Lone Tree Mobility Hub
- -\$10,000,000 - Decrease #2575 I-25 Interchange Reconstruction at Speer Boulevard and 23rd Avenue
- \$10,000,000 - Increase #0004 I-70 West: Floyd Hill
- + \$19,000,000 - Use Project Savings to fund phase 1 and 2 of I-70 Exit 203

Contingency Reserve Request

- \$4,100,000 for Region 5 structure repairs to K-01-B

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

Herman Stockinger, Secretary

Transportation Commission of Colorado

Proposed Resolution #10

Reallocating and Advancing 10-Year Plan Strategic Funding to the I-70 West: Floyd Hill Project.

Approved by the Transportation Commission on February 20, 2025

Whereas, the Colorado Transportation Commission previously approved \$340 million in strategic funding to the I-70 West: Floyd Hill project (10-Year Plan Project ID 0004); and

Whereas, the I-70 West: Floyd Hill project was selected and prioritized through the planning process and included in Transportation Commission resolutions #TC-2019-117 allocating \$191.8 million in strategic funding in the 10-Year Plan for Fiscal Years 2019-2022; and

Whereas, the I-70 West: Floyd Hill project was selected and prioritized through the planning process and included in Transportation Commission resolution #TC-2022-09-12, allocating an additional \$148.2 million in strategic funding in the 10-Year Plan for Fiscal Years 2023-2026; and

Whereas, the original estimated project cost was based upon conceptual design and 2020 construction pricing and additional funding is now needed in order to provide full funding for the final construction package; and

Whereas, CDOT Region 1 has been able to identify \$40 million in available RPP, HSIP and FASTER Safety funds which can be allocated to the I-70 Floyd Hill Project and which, pursuant to Policy Directive 703, can be approved internally at the Region and Executive Management level; and

Whereas, the February 2025 Budget Supplement further reallocates \$10 million in strategic funding in the 10-Year Plan for Fiscal Years 2023-2026 to the I-70 West: Floyd Hill Project from the I-25 Interchange Reconstruction at Speer Boulevard and 23rd Avenue project (10-Year Plan Project ID 2575)

Whereas, an additional commitment of strategic funding totaling \$30 million is needed in the Fiscal Year 2027+ time period; and

Whereas, the project schedule requires the budgeting and encumbering of funds for the final construction package in February 2025 although the project schedule and expenditures will extend through FY 2029; and

Now Therefore Be It Resolved, the Colorado Transportation Commission approves reallocating \$15 million from the I-70 and Kipling Street Interchange project (10-Year Plan Project ID 2580) and \$15 million from the I-70 Climbing Lane from Bakerville to

Eisenhower Tunnel project (10-Year Plan Project ID 2582) to the I-70 West: Floyd Hill project and advancing those funds to the Fiscal Year 2023-2026 period.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #11

Approving Safety Patrol Sponsorship Intra-Agency Agreement between the High Performance Transportation Enterprise and the Colorado Department of Transportation

Approved by the Transportation Commission on February 20, 2025.

Whereas, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

Whereas, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (“CDOT”) and state transportation programs; and

Whereas, pursuant to Section 43-4-806(6)(h), C.R.S., the High Performance Transportation Enterprise (“HPTE”) is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements under Section 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties; and

Whereas, HPTE acknowledges that CDOT possesses traffic operations expertise unavailable to HPTE, which enables it to ensure the effective, efficient, and safe operations of Express Lanes on the I-70 Mountain Corridor; and

Whereas, CDOT has prepared a Statement of Work describing the services HPTE has requested CDOT to provide HPTE, which is attached hereto and incorporated herein as Exhibit A (the “Statement of Work”) to the Safety Patrol Sponsorship Intra-Agency Agreement (the “Agreement”); and

Whereas, in order to ensure the efficient running of surface transportation infrastructure projects that involve Express Lanes once they become operational, HPTE desires that CDOT utilize its expertise in traffic operations on the I-70 Mountain Corridor to provide the Services, in exchange for which HPTE agrees to compensate CDOT in the amounts set forth in the Statement of Work; and

Whereas, the Transportation Commission has reviewed the Statement of Work and Agreement and finds the terms, conditions, and compensation amounts set forth to constitute fair and reasonable compensation for the specific Services to be provided to CDOT; and

Whereas, the Transportation Commission, by this Resolution, accepts and confirms the findings and statements contained in the recitals above.

Now Therefore Be It Resolved, the Transportation Commission hereby approves the Agreement in substantially the form presented and authorizes the CDOT Executive Director or their delegee to execute the Agreement with such changes therein and additions thereto, including revisions or modifications to the year 1 Statement of Work, as the CDOT Executive Director may determine to be necessary or appropriate.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Proposed Resolution #12

Authorizing express approval for CDOT to finalize and execute a Master Task Order Agreement with the National Renewable Solutions, LLC (doing business as Pawnee Express, LLC) pursuant to the State Highway Utility Accommodation Code (2 CCR 601-18) and the Public-Private Initiatives Program, (C.R.S. §§ 43-1-1201, et seq.)

Approved by the Transportation Commission on February 20, 2025.

Whereas, in October 2022, CDOT received an Unsolicited Proposal through the Public Private Initiatives Program from National Renewable Solutions, LLC (NRS) that contemplates building above-ground, longitudinal, high voltage transmission lines along the I-76 corridor from mile marker 99 to mile marker 152; and

Whereas, CDOT approved NRS' Unsolicited Proposal pursuant to C.R.S. §43-1-1203 and determined the cost-benefit of added infrastructure supports CDOT's mission and fairly compensates CDOT for the use of CDOT's Right of Way (ROW) in the form of an in-kind infrastructure exchange; and

Whereas, CDOT and NRS commenced negotiations and review of CDOT's standard template Master Task Order Agreement / Public Private Initiatives Agreement; and

Whereas, representatives from CDOT, NRS, and FHWA engaged in more detailed technical, safety, traffic, permitting, and other general process reviews related to NRS' proposed project details; and

Whereas, in December 2024, FHWA provided its preliminary and conditional approval to continue with NRS' proposed project; and

Whereas, CDOT and NRS presented the concept of the project and required next steps and approvals to the Transportation Commission in January 2025; and,

Whereas, pursuant to Section 3.2.2.5 of the State Highway Utility Accommodation Code, CDOT, through the Chief Engineer determined special extenuating circumstances exist pertaining to NRS' proposed project; and

Whereas, pursuant to Section 3.2.2.6 of the State Highway Utility Accommodation Code, coupled with the Transportation Commission's statutory authority under its police power to regulate the accommodation of utility facilities within State Highway ROW, express approval of the Transportation Commission is required before CDOT and NRS' Master Task Order Agreement can be finalized and executed;

Now Therefore Be It Resolved, based on the information presented in the January 2025 TC workshop, FHWA's preliminary and conditional approval, the Department's determination of special extenuating circumstances, and pursuant to Section 3.2.2.6 of the State Highway Utility Accommodation Code, coupled with the Transportation Commission's statutory authority under its police power to regulate the accommodation of utility facilities within State Highway ROW, the Transportation Commission hereby approves CDOT and NRS to finalize and execute the Master Task Order Agreement for NRS' proposed project.

Herman Stockinger, Secretary
Transportation Commission of Colorado