

The Transportation Commission (TC) Workshops were Wednesday, August 14, 2019 and the regular meeting was Thursday, August 15, 2019 at the Colorado Department of Transportation Headquarters at 2829 W. Howard Place, Denver, CO 80204.

Documents are posted at <https://www.codot.gov/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Transportation Commission.

Transportation Commission Workshops

Wednesday, August 14, 2019

1:00 pm – 5:00 pm

Attendance: Commissioners Bill Thiebaut, Shannon Gifford, Sidney Zink, Karen Stuart, Rocky Scott, Donald Stanton, Kathleen Bracke, Eula Adams, Barbara Vasquez, and Gary Beedy were present. Commissioner Kathy Hall was excused.

Right of Way Workshop (Josh Laipply)

Purpose: The purpose of the workshop was to discuss one condemnation authorization request for the Region 1 70 Central project.

Action: Prepare to act upon condemnation authorization request at the regular Transportation Commission (TC) meeting.

- Region 1
 - I-70 Central, Project Code: 19631

Discussion:

- Keith Stefanik, the CDOT Project Manager for the 70 Central Project, explained that the property owner was made an offer for purchase of \$970,700 from CDOT, but an owner appraisal and counter offer has still not been issued. In order to meet project timeline, CDOT needs to move forward.
- Josh Laipply, CDOT Chief Engineer, noted that although the TC grants approval to move forward with a condemnation authorization, there is still time for the property owner to approach CDOT with a counter offer and avoid condemnation. This action is in the best interest of the public.
- TC Chair, Commissioner Thiebaut solicited public comments from attendees, no one from the public raised any comments or concerns.
- Commissioner Thiebaut stated for the record that the TC received information regarding: a description of the property including the size, a map of the property boundaries in relation to the project, the history of communication between the property owner and CDOT, and all relevant information that is included in the Commission Packet.
- The TC members had no additional comments.

Whole System. Whole Safety Workshop

Safety Performance Measures (Charles Meyer)

- The purpose of this workshop was to provide an overview of the national safety performance measures, the purpose, process and requirement, trends and statistical analysis, relationship to other targets, National Safety Performance Measure Progress, and 2016-2020 safety targets.
- In establishing target CDOT needed to consider a vision (Colorado is a moving towards zero deaths state), aspirational versus feasible objectives, targets must be measurable, accountable and realistic, and are federally required.
- Federal Highway Administration (FHWA) issued a Final Rule effective April 14, 2016 (Final Rule FHWA-2013-0020); this rule is now codified in 23 CFR 490
- Five Measures are to be collaboratively set, the top three are identical for FHWA and the National Highway Transportation Safety Administration (NHTSA) and include:
 - Fatalities
 - Fatality Rate

- Serious Injuries
- Serious Injury Rate
- Non-motorized Fatalities
- Definitions for the following terms were explained:
 - Vehicle Miles of Travel (VMT), serious injury defined
 - Five-year averages
 - Target – 2016-20 five year average
 - Baseline – 2014-18 five year average
- CDOT compares actual reporting to the target, and then compares it to baseline information
- CDOT must meet or show significant progress compared to baseline in four out of five measures
- Factors to consider for analysis incorporate:
 - Vision and Goals
 - Trends Analysis
 - Crashes
 - Vehicle Miles Traveled (VMT)
 - Factors considered include: funding, population growth, vehicle registration
 - Programs to enhance safety at CDOT include:
 - Engineering
 - Education
 - Enforcement
 - Legislation (Policy)
- Other Targets at CDOT include:
 - Governor’s Goals
 - 2% (2500) reduction in crashes annually
 - 2014 Strategic Highway Safety Plan
 - 2.5% reduction annually for fatalities and rate
 - Target in 2018: was 428
 - Actual: was 632
 - 2.9% reduction annually for serious injuries and rate
 - Target in 2018: was 2,655
 - Actual: was 3,225
- 2020 Strategic Transportation Safety Plan
 - Targets are to be determined

Status of Safety Performance was described as presented below.

• Table of 2018, 2019, 2020 targets and actuals

	Actual	Target		
Target	2014 - 2018	2014 - 2018	2015 - 2019	2016 - 2020
Fatality	584	610	644	618
Fatality Rate	1.125	1.2	1.21	1.143
Serious Injuries	3122	3350	2909	3271
Serious Injury Rate	6.033	6.79	5.575	6.075
Non-motorized Users Fatalities and SI	576	586	514	670

Discussion:

- Commissioner Scott commented that the purpose of the targets is to determine how to respond, and requested a list crash causes. There is a need to focus on what CDOT can influence.
- Commissioner Stuart asked if we were tracking substance abuse as a cause.

- Charles Meyer responded yes. CDOT is tracking impaired driving caused crashes.
- Commissioner Scott noted that in some instances there is little we can do about making changes.
- CDOT Executive Director, Shoshana Lew clarified that in order to receive federal funds, and by federal statute, we need to track and use their performance measures. CDOT uses other performance measures in addition to FHWA's requirements. CDOT's are more focused on tracking fatalities that are different from FHWA's required measures.
- Charles Meyer mentioned that Whole System Whole Safety is focused on evaluating data to determine what specifically CDOT can do to improve safety. The State Highway Safety Plan is a process that will bring other agencies, such as emergency responders and Colorado State Patrol (CSP), to the table.
- Executive Director Lew noted that CDOT is working on finding relevant measures. One piece of granular data that is state-of-the-art is hotspot data, but it can be difficult to bring an aggregate up to the macro level. CDOT is evaluating various technical safety solutions also.
- Commissioner Scott asked if there was one thing that CDOT could do with big impacts to improving safety what would it be.
- Charles Meyer responded a primary seat belt law, as roughly half of the fatalities are a result if unrestrained drivers. In addition, law enforcement is key. CDOT has a program for this called Law Enforcement Assistance Fund (LEAF), where CDOT and law enforcement agencies work together to enforce compliance with safety-related laws. Approximately \$800,000 is available to help smaller law enforcement forces. Darrell Lingk oversees that program.
- Commissioner Bracke asked why the future safety targets for safety are higher. Seems we should keep our target the same.
- Charles Meyer explained that the targets are based on data for a five-year average. The trend is higher crashes for years 2016 – 2018 that influenced these targets.
- Commissioner Stanton expressed he feels distracted driving and road rage are key factors involved in crashes asked about what the data shows related to these factors. In addition, we need to consider the vulnerable population of 65 and older pedestrians.
- Charles Meyer responded that CSP and Colorado Department of Revenue (DOR) are the first entities to collect crash data and the forms don't include detailed information, and it is difficult to collect information on distracted driving crashes. The data indicated roughly 14% of crashes are a result of distracted driving, but it is suspected it is higher. Data on aggressive driving through DOR indicates that it is stable at the statewide level (not increasing). However specific congested corridors may tell a different story regarding this. CDOT works with the urban areas, Metropolitan Planning Organizations, on this too in terms of their safety performance measures.
- Commissioner Scott requested having a future conversation to go over specifically the causes of crashes and what CDOT can influence.
- Charles Meyer agreed to set something up. A meeting could occur with the Executive Committee and other agencies after CDOT looks at the data in more detail, and then will discuss development of strategies.
- Executive Director Lew explained one approach would be to set aside funds to analyze the effectiveness of the various safety campaigns over the last 3-5years, and then decide where to focus safety spending.
- Charles explained that it takes all realms to come up with a comprehensive solution, including the "EEs" – Engineering, Enforcement, Education, Emergency Response, Everyone. CDOT's influence is determining how forgiving the infrastructure is when driver error occurs.
- Executive Director Lew noted that National Highway Transportation Safety Administration (NHTSA) focuses on behavior programs and the FHWA focuses on infrastructure. There is some overlap in these programs. For efficiency, we need to review trends to identify successes and then determine how to spend resources. CDOT does not always have the flexibility in terms of how they spend dollars, FHWA has some flexibility in terms of our base program, but NHTSA is more restrictive. We need more flexibility in spending and more data collection.
- Charles explained that our specifications in design requires CDOT to use the most current advanced technology to enhance safety. Hotspot analysis of crashes can help CDOT be more proactive and preventative in making decisions.

- Commissioner Bracke commented that for future policy to please consider the vulnerable cyclists and pedestrians, and the use of education and enforcement solutions.

Policy Discussion Related to Safety (Bill Thiebaut)

- Commissioner Thiebaut commented that for example, if we have \$2 million to spend on safety, which is the better investment, we need to know whether to spend money on behavior programs or guard rails. Establish a policy based on where CDOT should focus.
- Commissioner Thiebaut noted that determining how a dollar spent on safety and its return on investment is hard to capture. We need to proactively avoid crashes and establish a policy to do so where we can.

Infrastructure and Mobility Systems Workshop

Innovative Mobility (Sophie Shulman)

Purpose: The purpose of this workshop is to provide an overview of the structure and priorities of the Office of Innovative Mobility.

Action: No Action Required

Background: In April 2019, as a part of Governor Polis's focus on expanding multimodal transportation options for Colorado travelers, Executive Director Lew created the Office of Innovative Mobility. The Office incorporates the Division of Transit and Rail, integrating its functions with other means of expanding mobility options, including through ridesharing, electrification, and emerging technologies. The Office will be supporting other mobility services, providing additional options to commuters to avoid single occupancy vehicle use. Through these initiatives, the Department hopes to reduce total VMT per capita in the state, and look to curb the growth of greenhouse gas and ozone causing emissions from transportation related activities.

- The Office of Innovative Mobility encapsulates four Divisions/Sections with a mission to:
 - Division of Transit and Rail (DTR)
 - Continue operational excellence and customer service to our local transit agencies.
 - Expand Bustang to provide more connectivity across the State.
 - Begin studying options for Front Range mobility, including development of “mobility hubs”.
 - Mobility Services
 - Collect stakeholder input on SB 19-239, Emerging Mobility Impacts Study, develop recommendations for 2020 legislative session that will inform future policies around rideshare, delivery, and others.
 - Identify and launch efforts to support highly effective transportation demand strategies to address congestion, including enhancing transit ridership through seamless payment integration.
 - Continue to explore ways to better serve rural populations, veterans, older Americans, and other underserved populations.
 - Mobility Technology
 - Develop a strategy for piloting connected and autonomous vehicles in Colorado, including data collection and usage, as well as future policy recommendations.
 - Lead an Autonomous Mobility Task Force, with support from CSP and DOR.
 - Explore ways to enhance existing mobility options through new technologies, such as Advanced Driver Assistance System (ADAS) for Bustang, autonomous attenuator, etc.
 - Electrification
 - Implementation of zero emission vehicle (ZEV) standard to ensure Coloradans have access to more models, such as pickup trucks, sport utility vehicles (SUVs), and affordable electric vehicle (EV) options
 - Draft and implement CDOT’s Clean Transportation Plan, building on existing strategies to support sustainable transportation

- Engage transit agencies to continue to transition to electric transit buses, including education and awareness around barriers and funding sources (including VW Settlement funds)
- Support regional corridor charging networks through Regional Electric Vehicle (REV) West Memorandum of Understanding (MOU) with neighboring states.

Discussion:

- This office was formed roughly four months ago. Problems we are trying to solve are an increasing population that leads to increased traffic congestion and then diminishes air quality.
- Commissioner Stuart asked if CDOT has engaged transit agencies in terms of electrification of their vehicles.
- Sophie Shulman responded that yes, however, a major obstacle for this transition is the cost. Electric companies charge premiums based on the time of day of service is provided.
- Commissioner Adams asked if CDOT has engaged private sector large fleet owners to convert their fleets.
- Sophie Shulman answered not yet, but this is a great idea to pursue. Will consider state and federal tax credits, and will take into account lessons learned from the Emerging Mobility Impact Study (EMIS) process.
- Commissioner Vasquez commented that peak times for power use would be a challenge for providing fast electric charging facilities in the rural areas of the state.
- Commissioner Scott asked about the anticipated use of EVs in the future, and if we understand the electric transmission capabilities to support EV charging.
- Sophie Shulman explained that in 30 years, between now and then we will have a mix of vehicles on the road. The SB 19-239 EMIS will include modeling the impacts of ride sharing. We will also have lessons learned to build off. In terms of electric power transmission, we are not ready for the increased demand today. Talking now about EVs only.
- Commissioner Gifford asked if gas stations will convert to support EV charging facilities.
- Sophie Shulman answered yes. Shell oil is starting to include EV charging stations. It is anticipated that gas stations will participate eventually.
- Commissioner Adams asked how much is being spent on this effort at CDOT.
- Sophie Shulman noted that \$500,000 is being spent to respond to SB 19-239 with the study and stakeholder coordination efforts.
- Commissioner Stanton asked about rural Colorado and how they are being considered in this effort. Transit is needed there too.
- Sophie Shulman answered connecting autonomous vehicles (AVs) in models includes rural areas, we are keeping all areas of the state in mind. The range of EVs is estimated to be around 200 miles.
- Commissioner Vasquez commented that the change to AVs, a disruptive technology, will be exponential when it occurs.
- Question arose regarding how to ensure everyone pays their fair share towards transportation, as EVs don't at this time. The gas tax is not enough now and won't be in the future.
- Sophie Shulman noted that SB 19-239 is an interesting opportunity to determine how users can pay their fair share.

Funding, Finance & Budget Workshop

- Bridge Enterprise (BE) Build America Bonds Refunding and New Money Opportunities (Jeff Sudmeier)
 - The Colorado Bridge Enterprise Board of Directors (Board) is being asked to approve a resolution to refund a portion of the Series 2010A Senior Taxable Build America Bonds (Series 2010A Bonds).
 - Action: BE Board approval of resolution authorizing the refunding of a portion of the Series 201A Bonds.
 - Background: In December 2010, BE issued \$300 million of Series 2010A Bonds under the FHWA Grant Anticipation Revenue Vehicles (GARVEE) authority to accelerate the design and replacement of Colorado's worst bridges. A portion of the Series 2010A Bonds were issued with

- an optional par-call redemption provision, enabling BE/CDOT to refinance the 2027 term bond (\$42.8 million) for interest rate savings prior to its maturity; the optional redemption date is December 1, 2020. The remainder of the Series 2010A Bonds (\$256.5 million) were issued with a make-whole call provision, which allows BE to refinance this portion of the bonds for structural considerations, but generally eliminates the ability to achieve debt service savings.
- Details: Staff held a workshop for the Board regarding the proposed bond refunding in July, and the Board indicated that they were in favor of a refund to capitalize on favorable market conditions. Refunding the 2027 term bond of the Series 2010A Bonds is forecast to save BE an estimated \$4.5 million through fiscal year 2028 under current market conditions. Debt service from 2029 – 2040 remains unchanged, as the 2040 term bond is not being refunded.
 - In the July workshop, staff also discussed the possibility of issuing “new money” revenue bonds. Staff has analyzed different scenarios ranging from no new issuance up to \$400 million, assessing the impact on the “pay-go” program under each scenario. Staff will return in September to continue discussion with the TC regarding these possibilities.
- COP Defeasance (Jeff Sudmeier)
 - Purpose: To seek approval to defease (pay off) a portion of the Headquarters Certificates of Participation, Series 2016 using proceeds from available cash funds.
 - Action: TC approval of resolution authorizing the defeasance of the \$22.29 million term bond.
 - Background: CDOT issued its \$70 million Headquarters Certificates of Participation, Series 2016 in order to fund the construction of its new Headquarters building and to combine the Region 1 and Headquarters buildings with the intention of disposing of the previous Region 1 Headquarters building on Holly Street and the previous Headquarters building on Arkansas Avenue. The Series 2016 COPs were issued with optional redemption provisions, allowing CDOT to defease or refund the COPs for debt service savings. A portion of the Series 2016 COPs (\$22.29 million 2041 Term Bond) were issued with an optional redemption provision on June 15, 2019, which were structured as such with the intention to use proceeds from the disposition of the buildings on Holly and Arkansas, along with other legally available funds, to prepay that portion of the COPs. The remainder of the 2016 COPs (\$31.065 million) were issued with an optional redemption date of June 15, 2026. CDOT can now redeem the \$22.29 million term bond at any date at a price of \$22.29 million plus any accrued interest.
 - Request: Rather than further delay the defeasance and continue to accrue interest costs, staff recommends seeking a loan from the TC Program Reserve Fund and moving forward with the defeasance in September. The August Project Budget Supplement includes a request for \$1.9 million from the Program Reserve Fund. If approved, these funds will be repaid to the Program Reserve Fund over the next six months as final property sales and project closeouts are completed.
 - Reallocation of SB267/SB1 Funds (Jeff Sudmeier)
 - Purpose: To present to the TC a proposed reallocation of Senate Bill (SB) 17-267 and SB 18-001 funds between projects to optimize the expenditure of SB 17-267 funds.
 - Action TC approval of resolution reallocating funds between projects.
 - Background: The first issuance of SB 17-267 COPs were completed on September 20, 2018. Internal Revenue Service (IRS) spend-down requirements state that there must be a reasonable expectation to spend down 85% of proceeds within three years, or by September 20, 2021. The TC approved the allocation of SB 17-267 funds to seven projects in October 2018. As of July 2019, all but two projects have been advertised and awarded (excluding SH 13, which has been split into three phases, two of which are under construction, with the final phase scheduled for advertisement on November 5.). A request for proposal (RFP) for the US 550/US 160 Connection design-build project was published on July 12, 2019, and SH 9 Frisco is scheduled to advertise on November 7. The US 550/160 Connection project is one of the larger commitments of SB 267 funding, with \$54.4 million approved by the TC. Expenditures of SB 267 funding on this project are not anticipated until 2020.

- Request: The attached resolution reflects a staff recommendation to reallocate \$54.4 million in SB 17-267 funds currently committed to the US 550/160 Connection project to the I-25 South Gap project, and to reallocate the same amount of SB 18-001 funds from the I-25 South Gap project to the US 550/160 Connection project. The reallocation of these funds will not impact project schedules or other aspects of project delivery, but will accelerate the expenditure of SB 267 funds by reallocating funds from a project that has not yet begun construction to a project in active construction.
- Budget Overview (Jeff Sudmeier)
 - Purpose: To review proposed amendments to the FY 2019-20 Annual Budget. No action required. See TC packet for more details.
- Second Amendment to FY 2020 Budget (Jeff Sudmeier)
 - Four related changes proposed include:
 - Maintenance Program Areas – 2.3 Million The Division of Maintenance and Operations requests that rather than reduce the other MLOS programs for maintenance of US 36 paid to Plenary, beginning in FY 2020 this amount be funded separately from MLOS
 - Toll Corridor General Purpose Lanes - \$500,000 – More recent projections of payments due to Plenary in FY 2020 indicate a need to increase funding from the \$2.3 million originally planned to \$2.8 million.
 - Division of Transportation Development (DTD) Statewide Travel Survey - \$1.0 million – Allocate funding from Program Reserve to DTD’s Information Management Branch to conduct a statewide travel survey in cooperation with various planning partners across the state.
 - Division of Accounting and Finance COP Defeasance - \$1.9 million – The division requests an advancement of funds for the defeasance of the Certificates of Participation, Series 2016.
- FY 2021 Budget Topics (Jeff Sudmeier)
 - Purpose: To present to the Transportation Commission (TC) several items relevant to the development of the FY 2020-21 Annual Budget.
 - Action: No action required. See TC Packet for more details.

Discussion:

- Jeff Sudmeier explained that a revised resolution and table being distributed will be the actionable item for tomorrow’s meeting for one of the budget proposals.
- Commissioner Scott requested Jeff to provide an overview of the COPs to date.
- CDOT Regions 1/HQ, 2 and 4 all used the COP mechanism to fund construction of the new facilities.
- Bethany Nichols, CDOT Budget and Policy Analyst, provided an overview of the FY 2020-2021 Budget Process.
- No substantial comments were raised by TC members.

Statewide Plan Committee

Attendees: All Transportation Commissioners were present, except Commissioner Hall, who was excused.

- Committee Members include: Commissioners Stuart (Chair), Gifford, Zink, Stanton, Bracke, and STAC Chair Vince Rogalski
- Rebecca White, CDOT DTD Director, provided an overview of the planning process to the TC, with five new Commissioners present.

Discussion:

- Rebecca White addressed the SWP Committee and the other TC members regarding the schedule for the 2045 Statewide Transportation Plan. The due date to compile proposed projects for the 10-year pipeline of projects is November 1, based on discussion with TPRs in September and October with time extended for meetings to allow discussion.
- Commissioner Stuart noted that the schedule is aggressive, especially in terms of time for SWP Committee comments.

- Questions arose regarding how the SWP Committee will receive updates, be informed, and afforded time to comment on SWP elements.
- One method to provide updates to the SWP Committee would be via emails in between committee meetings.
- Commissioner Bracke noted that the schedule presented is helpful, but would like to see points where TC is providing review and comments added to the schedule.
- TC members would like TC members invited to their TPR meetings, with meeting materials included.
- Commissioner Scott asked about how for years 5-10 fiscal constraint would be applied. This could be difficult.
- Rebecca White explained that the TC approved the high revenue scenario for revenue projection and the ballot list serves as a starting point for conversation. Staff plans to develop this process in the upcoming month. The concept is to be somewhat aspirational, within reason, considering projected funding.
- Vince Rogalski, STAC Chair, noted that the STAC will discuss this next week at their upcoming meeting. County meetings have taken place and now between TPR meeting 1 and TPR meeting 2 a homework assignment has been or will be distributed shortly. This homework had terrific information attached to it including comments from county meetings, TPR meeting 1, and the statewide online metroQuest survey. This information will help TPRs make informed decisions. Folks are not coming to the meeting cold – this process should work well. The process to narrow down the list, as Commissioner Scott noted, won't be easy.
- Commissioner Stuart stressed the importance of having a schedule that is feasible.
- Commissioner Stanton agreed that the schedule is too aggressive. The DOW went down 800 points today and we may be on the verge of a recession, which means less money for CDOT.
- Vince Rogalski agreed that the schedule is aggressive, but we will get the information we need.
- Commissioner Stuart agreed that it is important to spend the cash we have for the 4-year STIP, but consider extending the process for the out years of the pipeline of projects a bit to February or March of 2020 to give more time for engaging stakeholders.
- Executive Director Lew explained that the push is for budget transparency, but we may be able to consider taking more time for years beyond the 4-year STIP. Right now the budget exercises are guiding the deadline. We need projects for the November budget cycle deadline. We want to have the planning process guide decisions made for the budget – to join them as quickly as possible. Talking longer is not always beneficial and processes and discussions can drag on. However, there is more flexibility beyond the budget cycle.
- A discussion on extending the schedule 4 months occurred. The TC doesn't want CDOT to appear to be pushing stakeholders into decisions.
- The next TPR meetings could take between 4-5 hours long to give time for proper discussion on projects and priorities.
- Commissioner Stuart expressed concerns with the project pipeline out years (5-10) that estimate the future revenues.
- Vince Rogalski noted that TPRs generally already know what their 10-year needs and priorities are, as they have discussed them before; but the fiscal/CDOT constraints will be an issue.
- Commissioner Bracke asked how the TC can contribute to this fast-paced process.
- Rebecca White responded that staff will provide the TC with updates in September and October as things evolve. Staff can also provide off-cycle input (in-between meetings) as well.
- Josh Laipply noted that TPR meeting #2 will include meaty discussion for certain.
- Commissioner Scott suggested we need to do what makes the most sense for optimal delivery of the 2045 SWP.
- Vince Rogalski raised the issue of order of TPRs prioritizing their projects that may influence other TPRs and how to decide which TPRs prioritize projects first.
- Commissioner Thiebaut noted that elongating the process may not prove as productive as we think. If the TC approves the 2045 SWP, then a way for the TC to digest the plan content, and seek guidance on

how to prioritize, weight, and cost projects is key. However, another factor to consider is the level of validity of what is recommended in the 2045 SWP, if it is done in a rush. So far, the process seems to be working.

- Commissioner Gifford reminded others that stepping back the ballot list of projects took time to develop, and more time is required when developing a shorter project list – making decisions on which to include and/or remove. Appears we are attempting to do this too quickly and this will not reflect well on CDOT and the TC.
- Jeff Sudmeier commented that with projects lists for long or short-term, in front of us today is some sense of urgency related to the FY 2019-2020 budget. The challenge is appearing before the legislation without decisions on how to spend FY 2019-2020 dollars.
- Herman Stockinger noted that this is especially true for SB 267 dollars that remain unspent and unobligated.
- Commissioner Zink explained that this is not a one-time only list, it is solid in the next four years and less solid in out years is to be expected – it doesn't always play out in out years (5-8 years) – just need to get something on the book and go with it. But allowing another month to move forward would be good.
- Vince Rogalski pointed out that TPR plans are TPR plans with CDOT Regional Transportation Directors (RTDs) and TPR Chairs working together to feed recommendations into the process. The 2045 SWP has steps outlined to do this. This is not new. In 4-5 years from now we will be doing the same thing. We just need to get years 5-10 out as best we can.
- Commissioner Beedy noted that every four years we conduct an interim update – would hate to do this in a rush. A separate process exists for the budget. There is not a need to join budget process with planning. The planning process is not finished yet. Would recommend not rushing TPRs for projects on 10-year project pipeline without the proper level of grassroots support obtained. The schedule is pushing too hard. My TPR looking at projects at only one meeting is a difficult task to expect of them.
- Josh Laipply explained that for SB 267 that is using general funds, CDOT needs to show the state legislature what we plan on spending and how we plan on spending it. CDOT is still missing a list for year 2.
- Executive Director Lew agreed with the assessments of Jeff Sudmeier and Josh Laipply. In terms of maximum returns on investment, lots of funding will go to asset management for budget setting. It is clear CDOT does not have the funding needed; therefore, a focus on a good state of repair will be our focus and how to group/bundle projects for effectiveness and efficiency will be a priority. For larger bundles of smaller projects we will need an understanding of at least three to four years out to determine the best expenditures for next year. There is an immediate need to put dollars to work.
- Commissioner Bracke noted that a proper process requires iterative connections and the schedule proposed is asking a lot.
- Commissioner Beedy asked how important is project readiness.
- Jeff Sudmeier responded that readiness is always an important factor to prevent money being tied up and not be spent. SB 267, in particular, needs to consider project readiness as the money has a timeline for its expenditure and the state legislation needs to see that CDOT is spending dollars appropriately after CDOT requested more money, and then received it. Over the past couple of years, CDOT has focused on readying projects in anticipation of SB 267 funds. Currently CDOT does have a number of projects ready for implementation.
- Josh Laipply confirmed that for SB 267 year 2 projects, project readiness is an important and relevant criteria.
- Commissioner Thiebaut ended this committee meeting mentioning that tomorrow he and Executive Director Lew will meet. The TC plan approval process has to be realistic. For funding, the TC needs to establish guiding principles in terms of funding and provide that information to staff before staff proceeds. Need to consider elected stakeholders and their constituency. Believe this can be accomplished and will talk more with Executive Director Lew. We are all talking about the important and relevant concerns related to this planning process.

Mobility Systems Committee

- Attendees: All Transportation Commissioners were present, with the exception of Commissioner Hall, who was excused.
- Mobility Committee Members include: Commissioners Scott (Chair), Hall, Stanton, Bracke, Beedy, and Vasquez
- Proposed Charter was presented and explained to the committee members. Elements of the Charter included:
- Purpose of the Committee includes:
 1. Investigate the state of the art of mobility systems and determine the current status of integration, as an effective system, of the overall system of CDOT mobility functions including at least: highways, transit, rail, mobility-enhancing technology, mobility-enabling financing (HPTE) and collaborative activities with external organizations.
 2. Develop and maintain Transportation Commission policy recommendations regarding overall mobility systems integration and performance in Colorado.
 3. Provide findings and recommendations to the Transportation Commission to drive Commission policies in accordance with its statutory mandates. Include results from system modeling that help identify the most effective and cost-sensitive performance to assist the Commission in its decisions about allocation of limited funding.
 4. Provide reports of findings, as requested by the Commission, to the public, legislators and to the Governor's office.
- Proposed Products include:
 1. Initial report to the TC as a whole on "The State of Mobility Systems in Colorado. (December 31, 2019)
 2. Periodic relevant tasking recommendations for the CDOT Executive Director and HPTE Executive Director to accomplish the purposes of the committee. (Quarterly or as requested by the Commission).
 3. Provide quarterly progress reports to the Commission.
- Resources available to the Committee outlined in the Charter include:
 - CDOT staff support as directed by the CDOT Executive Director upon request from the Commission. (Beginning July 1, 2019)
 - Funding as approved by the Commission from sources identified by the Commission.
- Proposed Committee Work Plan Elements were described to committee members, which included:
 - Benchmarking – review case studies to determine how to do things well related to increasing mobility
 - Possibility Thinking
 - Role of Models
 - Overall Strategy
 - Investment Strategy
 - Research and Development Plan
 - Schedule of Tactical Actions

Discussion:

- Commissioner Vasquez commented that the schedule proposed is very aggressive.
- Commissioner Gifford noted that there are number of TC subcommittees, and that TC members are already members serving on them, and that there is limited time for focus related to the number of tasks proposed in the Charter and Work Plan, considering other subcommittee work to be done.
- Commissioner Scott mentioned that there is an opportunity to learn from work conducted as part of the Mobility Choice effort in the Metro Area.
- Commissioner Bracke noted that the charter provides a great outline of what to consider for the committee.

- Commissioner Adams noted that lots of other folks are thinking about mobility and technology for example, Denver and Smart City. After we get organized we can start a dialogue with others who are thinking in the same vein.
- Herman Stockinger asked what was the desired outcome of the committee. Concerns about resources available for CDOT staff to support efforts were raised and the resulting workloads, which could be too heavy. Asked if there are plans to direct resources for RFPs to help with implementing the work plan, e.g. for \$100,000. If yes, the contracting process is involved and takes time.
- Josh Laipply asked about benchmarking – Colorado is really laid out for cars, while other places in the world, like Germany, are not.
- Commissioner Scott noted the concept is to discard current assumptions for funding and identify innovative sources such as user pay systems like a utility model to fund transportation/mobility. Consider new land use policies and/or procedures that would promote mobility investments with land use development. Let's not keep solutions in separate buckets, be more holistic.
- Commissioner Stanton suggested keeping the committee's focus on North America – Canada is more advanced than the U.S. in terms of alternative modes of transportation and mobility. Look to them for an example. Nevertheless, we need to balance approaches with the reality of the U.S. stakeholders.
- Commissioner Scott stressed we need to be creative about funding sources, as taxes will not be effective with stakeholders in Colorado. We learned this from the Propositions 109 and 110.
- Commissioner Beedy warned of the possibility for one mode to end up paying for the use of another. A sales tax might work better and result in more fairness.
- Commissioner Scott noted that no solution will be without pain.
- Commissioner Bracke expressed her excitement participating on this committee. We need to understand what our vision and aspirations are and understand what will happen if we don't make changes.
- Commissioner Scott proposed committee members to throw away constraints and look for a better long-term outcome. Consider a platform to build longer-term solutions.
- Commissioner Vasquez noted that this is all conceptual, but you need the congestion to prompt change.
- Commissioner Beedy stressed the importance of getting everyone to pay for mobility, EVs are an emissions reduction tool, but there is a need to replace the funding source these vehicles don't provide. Be cautious about providing incentives for one fuel type at the disadvantage of another fuel source.
- Commissioner Adams commented that we have been living with these incentives for EVs for a while. They are needed to prompt innovative technology use. Economic impacts occur when you fill a void with something when someone else didn't get there first. Sometimes you need to put more into these changes than less.
- Executive Director Lew explained that there are pros and cons to all solutions whether you have a big or small scope. Consider targeted land use fees to help pay for mobility. It is a worry if the scope of this committee is too broad. Whatever happens here needs to lead to actions vs. discussion that is less actionable. Need to pressure test concepts for funding sources first and test them out in the field.
- Commissioner Scott asked to what extent we peel off actionable steps. CDOT has right-of-way and a mandate.
- Executive Director Lew recommended a piece-by-piece process. Evaluate access to state highways, and what that access looks like. Engage with partners as part of the role of transportation planning, identify pros and cons considering and answer the question regarding the problem we are attempting to solve.
- Commissioner Scott suggested in terms of benchmarking, bring in speakers to committee meetings and scope tasks early.
- Commissioner Beedy recommended looking at relevant policy directives that add requirements to consider other elements to integrate into highway design considerations, such as the Bicycle/Pedestrian Policy Directive. Also, evaluate policy directives related to transportation safety and mobility.
- Josh Laipply noted that a key idea for this committee is to prevent policies that limit us in terms of flexibility to implement alternative mobility opportunities, such as Policy Directive 1601.

Transportation Commission Regular Meeting
Thursday, August 15, 2019, 9:30 am – 11:00 am

Call to Order, Roll Call:

Ten of 11 Commissioners were present, with Commissioner Hall excused.

Swearing In of New Commissioners (Herman Stockinger)

- TC Chair Bill Thiebaut swore in the two new commissioners, Barbara Vasquez and Eula Adams.

Audience Participation

- Phil Demosthenes – As an access management and safety expert, he said 55 percent of all vehicle crashes occur at intersections and driveways. The vehicle access code that CDOT adopted some years ago has helped reduce accidents, but it needs updating. He urged CDOT to monitor access permits for driveways, which is something only one state in the country does right now. He asked the Commission to improve statistics on driveway-related crashes.
- Craig Cannon – Addressing work zone safety and school crossings, he said the time to work on work zone safety is now, with an accident occurring in a work zone every 13 minutes. If FHWA were to withhold safety funds for a time, he predicted CDOT would start taking action.

Comments of Individual Commissioners

- Shannon Gifford, District 1 – No comment.
- Donald Stanton, District 2 – He has been talking to local stakeholders, and noted one bad vehicle crash that took place in his district was due to road rage. He also said that with the stock market down 800 points in the last week, the somewhat shaky economy is something to keep in mind for future planning.
- Eula Adams, District 3 – In his first Transportation Commission (TC) meeting, the representative of Arapahoe and Douglas counties said he’s looking forward to taking on the new challenge of serving on the Commission.
- Karen Stuart, District 4 – No comment.
- Kathleen Bracke, District 5 – She appreciated being able to take part in Region 4 Telephone Town Hall on Wednesday the previous day, and to hear great ideas from her district. In addition, she has been meeting with people about local transportation concerns, such as I-25 and Bustang.
- Barbara Vasquez, District 6 – Now that she has just joined the Commission, she will start traveling around the district in northwest Colorado.
- Robert “Rocky” Scott, District 9 – The concerns voiced about safety by the two speakers are timely. The increase in traffic fatalities is due to many factors, but CDOT needs to focus on the factors it can influence. The I-25 South Gap project has had no construction-related fatalities so far. A new TC committee, Mobility Systems, has launched. The new committee will have the general area of mobility, including the Division of Transit and Rail, as part of its charge. He welcomes the new commissioners, and believes the TC will continue to be a strong commission with its two new members.
- Gary Beedy, District 11 – He also attended the Region 4 Telephone Town Hall on Wednesday. He appreciates Executive Director Shoshana Lew going to the county fair in Lincoln County and to the many other places she has gone around the state as part of the planning process for the 2045 Statewide Transportation Plan.
- Sidney Zink, District 8 – In her district, all the county meetings have been completed. People in southwest Colorado appreciate CDOT personnel coming to the many meetings. Now, the hard work begins of furiously pulling together information collected at those meetings.
- Bill Thiebaut, TC Chair and District 10 – He congratulates the new TC members on their appointments. Serving on the Commission is more than attending two days of meetings every month. The position requires much time preparing for the TC meetings, meeting with district residents in different forums, and other duties. He thanked the staff and others for helping put together the retreat for the TC on

Tuesday, Aug. 13. He also thanked the Region 2 regional transportation director, Karen Rowe, and her staff for all their work.

Deputy Executive Director's Report (Shoshana Lew)

- CDOT staff is collecting much good information from the county meetings, transportation planning region meetings, and other meetings as part of the statewide planning process. The county meetings are almost completed.
- Concerning safety, staff is finding that variable message speed signs can be helpful on certain sections of the interstates to smooth traffic.
- A workable, but interim, solution for the pavement collapse on US 36 is going forward, which Chief Engineer Josh Laipply will discuss.
- She mentioned the Air Quality Control Commission hearings on zero emission vehicle that began Aug. 13 and will end Aug. 16. She said Colorado has worked with the car manufacturers on solutions, the first time a state has worked with car manufacturers so collaboratively.

Chief Engineer's Report (Josh Laipply)

- Repair and reconstruction work on US 36 is in full swing that involves tearing down what is broken and getting things ready to put back. One of the interim solutions is to shore up the soil with manmade blocks.
- It does not appear that engineers will need any more money from the TC for this project.
- Setting the budget for 2023-2024 is taking place. In preparation, staff heard presentations from different asset managers, and then undertook a cross-asset prioritization process. The result is that everyone walks away disappointed because there is never enough money.
- On SB 267 funds, CDOT needs to formalize a plan that is parallel with the planning process. The STAC had a good discussion last month about using some of the SB 267 funds for a rural paving program. The TC could discuss this possibility at its meeting next month.

High Performance Transportation Enterprise Director's Report (Nick Farber)

- To introduce HPTE to new TC members, Nick said HPTE is a division of CDOT, but operates under its own board that includes three TC members and three others. The mission of HPTE is to make the commutes of Colorado residents easier. HPTE currently has 68 miles of express lanes and plans to add 142 miles of express lanes in the next 4-5 years.
- He attended a recent meeting about public-private partnerships in Washington DC.
- HPTE is working with the Bronco organization on an integrated Federal/Colfax intersection.
- Last month HPTE conducted telephone town halls about the express lane master plan. Speaker bureaus are available to discuss the ideas in the master plan.
- In other news, HPTE has put out a request for proposals for underwriting services. The organization is working with the City of Thornton on how HPTE could help with I-25 expansion. Staff also attended an I-25 South steering committee meeting.
- Commissioner Scott suggested Nick Farber give an HPTE annual report to all TC members.

Federal Highway Administration (FHWA) Colorado Division Administrator's Report (Shaun Cutting, Program Delivery Team, CDOT Regions 1 and 3)

- In the absence of Colorado Division Administrator John Cater, Shaun Cutting gave some highlights about the proposed Infrastructure Act. The act would fund \$287 billion over 5 years, but it is not clear where the money will come from.
- Passed unanimously in committee, the bill has several features of interest to Colorado residents: climate change, electric vehicles, a resiliency program, congestion relief, pedestrian safety, and a pilot program to grant toll credit exchanges. The bill also would permit metropolitan planning organizations (MPOs) to implement their own projects.
- At the retirement party for Randy Jensen of FHWA (formerly of CDOT), it was clear that FHWA and CDOT have a good partnership.

Statewide Transportation Advisory Committee (STAC) Report (STAC Chair, Vince Rogalski)

- Explaining that the STAC advises both CDOT and the TC on transportation issues, Vince said the STAC meetings will move to the Friday before, rather than the Friday after, the TC meets beginning this January. The change in meeting time should make it easier for the STAC to advise the TC on issues before it.
- Chair of the STAC since 2004, Vince also said STAC asked why staff has not told STAC what the allocation of CMAQ funding will be among the three MPOs and Upper Front Range TPR, the entities with air pollutants above the national standards. Executive Director Shoshana Lew said an explanation would be forthcoming in September.
- The Bustang pilot program for certain ski resorts, Snowstang, has contacted all resort communities about their possible participation.
- During a presentation on Front Range Passenger Rail Commission, STAC members asked about future incorporation of past studies into a streamlined environmental study. The STAC learned that the past studies would be included. Executive Director Shoshana Lew assured the STAC that the study is not part of the broader statewide planning process because there is not the money for beginning a Front Range passenger rail. Instead, the rail study would be to ensure that the transportation plan would not close future options. The extent to which that an alternate source of funding would be needed will be determined during the rail study's benefit-cost analysis.
- SB 19-239 on emerging transportation systems has passed that requires CDOT to form a broadly based group to study the issue.
- CDOT also has been awarded an INFRA grant for 12 miles of intermittent passing lanes on US 287 south of Lamar.
- The executive director proposed an idea to undertake more time-sensitive projects that are already high priorities before completion of the 2045 statewide transportation plan (SWP). This would ensure CDOT does not miss a construction season. She said the intent would be to identify rural asset management and safety projects. The STAC told the executive director that the regional engineers would be the best source of information on such projects.

Act on Consent Agenda – Passed unanimously on Aug. 15, 2019

1. Temporary Resolution No. 01: to Approve the Regular Meeting Minutes of July 18, 2019 (Herman Stockinger)
2. Temporary Resolution No. 02: to Approve Additions to FY 20 Maintenance Project List (Kyle Lester)
3. Temporary Resolution No. 03: to Approve COP Defeasance (Jeff Sudmeier)
4. Temporary Resolution No. 04: to Approve Committee Assignments (Herman Stockinger)

Discuss and Act on Temporary Resolution No. 05: ROW Condemnation Authorization Requests (Josh Laipply) – Passed unanimously on August 15, 2019

- This was for the Central 70 project.

Discuss and Act on Temporary Resolution No. 06: 2nd Budget Supplement of FY 2020 (Jeff Sudmeier) – Passed unanimously on August 15, 2019

- The budget supplement had three projects:
 - Region 1:
 - \$2.2 million for the tunnel construction program at Eisenhower-Johnson Memorial Tunnel motor control centers to award the project to the winning bidder, whose bid was 26 percent higher than the estimate.
 - \$8 million for the National Highway Freight Program I-25 South GAP project to widen a section of the project an additional 12 feet to accommodate a southbound 3.6-mile truck-climbing lane and to extend the Larkspur chain-up station.
 - Region 3:

- \$1.5 million to reimburse Region 3 for unplanned costs of installing rock fencing on I-70 in Debeque Canyon following a July 11, 2019 rock fall. The Transportation Commission Contingency Reserve Fund would be the source of funds.
- On the National Highway Freight Program, Commissioner Beedy said he supports freight, but he does not want freight projects to take precedence over smaller needed projects.

Discuss and Act on Temporary Resolution No. 07: 2nd Amendment to FY 2020 Budget (Jeff Sudmeier) – Passed unanimously on August 15, 2019

The resolution does three things:

- Reallocates \$2.8 million from the TC Program Reserve line to the Maintenance Program Areas budget for the US 36 corridor project
- Reallocates \$1 million from the TC Program Reserve line to the agency operations line to allow the DTD’s Information Management Branch to use as CDOT’s portion of the statewide travel survey that CDOT and its statewide planning partners will conduct.
- Advances from the TC Program Reserve \$1.9 million to debt service in order to begin paying off the Certificates of Participation for new CDOT buildings. Funds from sale and deposition of the old properties will reimburse the TC.

Discuss and Act on Temporary Resolution No. 08: Authorize Rule Making for 2 CCR 601-11 (Commission Rules) (Herman Stockinger) – Passed unanimously on August 15, 2019

- This authorizes CDOT to begin rulemaking for the TC. Last updated in 2016, the rules need to be updated to:
 - Change the name of the Transit and Intermodal Committee to the Mobility Systems Committee.
 - Change the number of members for TC committees from “three to five” commissioners to “at least three”.

Discuss and Act on Temporary Resolution No. 09: OHV Pilot Project SH 149 (Mike Goolsby) – Passed unanimously on August 15, 2019

- The resolution reflects minor changes that CSP, Hinsdale County, and the Town of Lake City agreed to on an off-highway vehicle (OHV) route for this summer. They are:
 - Shortening of the route from 2.3 miles on SH 149 to 2.26 miles.
 - Eliminating left turns onto or off the highway from County Road 142.
- The resolution would extend the pilot program for the rest of 2019 and through 2020 for off-highway vehicles to travel on some state highways while allowing other CDOT regions the right to enter into agreements with the State Patrol and local governments to designate other routes.
- Originally, Region 3 had to report to the TC on the pilot program by September 2019, but a winter of unusual length and snow prevented a full summer of data collection.
- In the pilot, drivers can operate OHV without licenses since Colorado does not issue licenses for off-highway vehicles.
- Executive Director Lew commented that operation of OHVs seems to be a local control issue and, judging from results of a local election in Lake City, the majority of voting citizens want it.
- Commissioner Gifford asked how Colorado could license OHVs as some neighboring states do. CDOT Executive Deputy Director, Herman Stockinger, replied that it would take a change in state law.

Discuss and Act on Temporary Resolution No. 10: Ratifying Contract and Delivery Methods for I-25 N. Segment Sections 7 and 8 (Josh Laipply and Heather Paddock) – Passed unanimously on August 15, 2019

- The resolution would ratify the delivery method for the North I-25 Express Lanes project. The delivery method includes:
 - Using the Environmental Impact Statement (EIS) alignment now that SB 267/SB 1 funds are available.

- Bidding competitively through an integrated construction contract for additional or expanded scope elements. Modifying the existing design-build contract to include those elements that need to be modified to meet the preferred Environmental Impact Study (EIS) alignment.
- Commissioner Bracke commented that she likes honoring the EIS and that doing so retains the middle of the 14-mile stretch for innovative options and choice.
- The original contractor will manage the project, such as producing bid packages and handling traffic control, but cannot bid on any work, Josh Laipply said in answer to a question from Commissioner Adams.
- Executive Director Lew said the delivery method keeps risk to its original constraints.

Discuss and Act on Temporary Resolution No. 11 (Jeff Sudmeier): SB 267 reallocation – Passed unanimously on August 15, 2019

- The resolution reallocates \$54.4 million in FY 2018-19 SB 267 funding from the US 550/160 Connection to the I-25 Colorado Springs-Denver South project.
- It also reallocates the same amount of FY 2018-19 SB 18-001 funding from the I-25 Colorado Springs-Denver South project to the US 550/160 Connection project.
- The intent of the resolution is to move funds from a project not in construction to one that is.

Recognitions – Engineering Awards

The American Council of Engineering Companies (ACEC), a federation of 52 state and regional councils, highlighted national awards that Colorado companies have won. Executive Director Marilen Reimer led the recognitions of both consultant and CDOT employees for these state projects:

- State Highway 9 Iron Springs – Felsburg Holt & Ullevig
- I-70 Mountain Corridor Eastbound Express Lane – HDR
- 1144 Fifteenth – Martin/Martin
- Canvas Stadium – Martin/Martin
- Linking Lookout: US 6th and 19th Street Interchange – Muller Engineering Company
- Westminster Station Park – Muller Engineering Company
- I-25/Cimarron Interchange: The Gateway Project – Wilson & Company

Among the current or past CDOT employees recognized were Neil Ogden, David Singer, and Tony Bemelen. Josh Laipply said that what all the projects had in common were partnerships and relationships.



MEMORANDUM

TO: TRANSPORTATION COMMISSION
FROM: NICHOLAS FARBER, HPTE DIRECTOR
DATE: SEPTEMBER 19, 2019
SUBJECT: TOLLING PROJECTS MEMORANDUM OF UNDERSTANDINGS

Purpose and Requested Action

This memorandum presents five Memorandum of Understandings (MOUs) between HPTE, CDOT and the Federal Highway Administration (FHWA). As a party to the MOU's, CDOT approval through the Transportation Commission (TC) is being requested.

Background

In anticipation of new tolling corridors opening, the HPTE Board of Directors recently (August 21, 2019) approved MOUs between HPTE, CDOT and FHWA for C470, Central 70, I-25 North (Johnstown to Fort Collins), I-25 South Gap (Monument to Castle Rock), and the Westbound Mountain Express Lane. The MOU's acknowledge that federal law applies to the projects and that HPTE shall comply with specific federal regulations that enumerate how HPTE operates Express Lanes and what HPTE does with excess revenue.

Options and Recommendations

1. Approve the tolling project MOU's between HPTE, CDOT and FHWA (STAFF RECOMMENDATION)
2. Request additional information on any or all of the MOU's
3. Deny the request for approval

Next Steps

- If approved, CDOT and HPTE will execute the attached MOU's

Attachments

Attachment A: MOU's between FHWA, HPTE and CDOT on five corridors - C470, Central 70, I-25 North (Johnstown to Fort Collins), I-25 South Gap (Monument to Castle Rock), and the Westbound Mountain Express Lane.

**MEMORANDUM OF UNDERSTANDING (MOU)
AMONG THE
FHWA COLORADO DIVISION OFFICE (Division),
THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

WHEREAS, HPTE (a government owned business within CDOT) is currently constructing the C-470 Tolloed Express Lanes Design-Build Project in Colorado, from I-25 to Wadsworth Boulevard along Colorado State Route 470, and can be more specifically described as: two new westbound tolloed express lanes from I-25 to Colorado Boulevard, one new westbound tolloed express lane from Colorado Boulevard to Wadsworth Boulevard, and one new eastbound tolloed express lane from Wadsworth to I-25 (hereinafter referred to as the "Toll Project"); and

WHEREAS, HPTE desires to implement a fixed variable toll schedule for the C-470 Express Lanes Toll Project. The new lanes will be accessible to single occupant vehicles and high occupant vehicles for a fee and go from Wadsworth Blvd. to I-25, approximately 12 miles (hereinafter referred to as the "Toll Facility"); and

WHEREAS, the Division, CDOT, and HPTE desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) applies to the Toll Project; and

WHEREAS, 23 U.S.C. 129(a)(1)(B) allows for Federal participation in initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolloed facility, if the number of toll-free lanes, excluding auxiliary lanes, after construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction.

NOW THEREFORE, the Division, CDOT, and HPTE hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1).
2. CDOT and HPTE shall comply with all requirements of 23 U.S.C. 129(a), as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF COLORADO
HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: _____
Nicholas J. Farber, Director

DATE: _____

STATE OF COLORADO
COLORADO DEPARTMENT OF TRANSPORTATION

BY: _____
Shoshana M. Lew, Executive Director

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION

BY: _____
John M. Cater, Division Administrator

DATE: _____

**MEMORANDUM OF UNDERSTANDING (MOU)
AMONG THE
FHWA COLORADO DIVISION OFFICE (Division),
THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

WHEREAS, HPTE (a government owned business within CDOT) is currently constructing the Central 70 Project, a 10-mile stretch of I-70 between Brighton Boulevard and Chambers Road that adds a new Express Lane in each direction (totaling 20 miles). The Project will remove the aging 55-year-old viaduct, lower the Interstate between Brighton and Colorado boulevards, and place a 4-acre park over a portion of the lowered Interstate (hereinafter referred to as the "Toll Project"); and

WHEREAS, HPTE desires to implement a fixed variable toll schedule for the Central 70 Toll Project Express Lanes. The lanes will be accessible to vehicles qualified under the Colorado High Occupancy Vehicle Program free of charge and all other vehicles for a fee. The toll limits are between Brighton Boulevard and Chambers Road (hereinafter referred to as the "Toll Facility"); and

WHEREAS, the Division, CDOT, and HPTE desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) and 23 U.S.C. 166 applies to the Toll Project;

WHEREAS, 23 U.S.C. 129(a)(1)(C) allows for Federal participation in initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction; and

WHEREAS, 23 U.S.C. 166(b)(4) provides that a State agency may allow vehicles not otherwise exempt pursuant to 23 U.S.C. 166(b) to use a HOV facility by paying a toll.

NOW THEREFORE, the Division, CDOT, and HPTE hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1) and 23 U.S.C. 166.
2. CDOT and HPTE shall comply with all requirements of 23 U.S.C. 129(a) and 23 U.S.C. 166, as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF COLORADO
HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: _____
Nicholas J. Farber, Director

DATE: _____

STATE OF COLORADO
COLORADO DEPARTMENT OF TRANSPORTATION

BY: _____
Shoshana M. Lew, Executive Director

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION

BY: _____
John M. Cater, Division Administrator

DATE: _____

**MEMORANDUM OF UNDERSTANDING (MOU)
AMONG THE
FHWA COLORADO DIVISION OFFICE (Division),
THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

WHEREAS, HPTE (a government owned business within the Colorado Department of Transportation) is currently constructing the North I-25 tolled Express Lanes: Johnstown to Fort Collins Project, due to be completed in 2022, and can be more specifically described as providing 34 miles (both directions) of Express Lanes from State Highway 402 to State Highway 14; rehabilitation and reconstruction of two general purpose lanes; and construction of inside and outside shoulders in both directions (hereinafter referred to as the "Toll Project"); and

WHEREAS, HPTE desires to implement a fixed variable toll schedule for the I-25 North Express Lanes Toll Project. The lanes will be accessible to vehicles qualified under the Colorado High Occupancy Vehicle Program free of charge and all other vehicles for a fee. The toll limits are between State Highway 402 to State Highway 14 (hereinafter referred to as the "Toll Facility"); and

WHEREAS, the Division, CDOT, and HPTE desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) applies to the Toll Project; and

WHEREAS, 23 U.S.C. 129(a)(1)(C) allows for Federal participation in initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction.

NOW THEREFORE, the Division, CDOT, and HPTE hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1).
2. CDOT and HPTE shall comply with all requirements of 23 U.S.C. 129(a), as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF COLORADO
HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: _____
Nicholas J. Farber, Director

DATE: _____

STATE OF COLORADO
COLORADO DEPARTMENT OF TRANSPORTATION

BY: _____
Shoshana M. Lew, Executive Director

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION

BY: _____
John M. Cater, Division Administrator

DATE: _____

**MEMORANDUM OF UNDERSTANDING (MOU)
AMONG THE
FHWA COLORADO DIVISION OFFICE (Division),
THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

WHEREAS, HPTE (a government owned business within CDOT) is currently constructing a new tolled Express Lane in each direction (totaling 36 miles) from Monument to Castle Rock on I-25 (the “Gap”) to add capacity to the existing general purpose lanes. Improvements also include: grading, paving and installation of permanent center barriers; bridge replacements at Upper Lake Gulch Road, Spruce Mountain Road and Plum Creek; and adding new wildlife crossings (hereinafter referred to as the "Toll Project"); and

WHEREAS, HPTE desires to implement a fixed variable toll schedule for the I-25 Gap Express Lanes. The new lanes will be accessible to vehicles qualified under the Colorado High Occupancy Vehicle Program free of charge and all other vehicles for a fee. The toll limits are between Monument and Castle Rock, approximately 18 miles (hereinafter referred to as the “Toll Facility”); and

WHEREAS, the Division, CDOT, and HPTE desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) applies to the Toll Project; and

WHEREAS, 23 U.S.C. 129(a)(1)(C) allows for Federal participation in initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction.

NOW THEREFORE, the Division, CDOT, and HPTE hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1).
2. CDOT and HPTE shall comply with all requirements of 23 U.S.C. 129(a), as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF COLORADO
HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: _____
Nicholas J. Farber, Director

DATE: _____

STATE OF COLORADO
COLORADO DEPARTMENT OF TRANSPORTATION

BY: _____
Shoshana M. Lew, Executive Director

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION

BY: _____
John M. Cater, Division Administrator

DATE: _____

**MEMORANDUM OF UNDERSTANDING (MOU)
AMONG THE
FHWA COLORADO DIVISION OFFICE (Division),
THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

WHEREAS, HPTE (a government owned business within CDOT) desires to create an approximate 12-mile tolled peak period shoulder lane on westbound I-70 between the Veterans Memorial Tunnels and the US 40/I-70 interchange, with the general purpose lanes and shoulder to be resurfaced and widened in select locations to accommodate the 11-foot peak period shoulder lane to be open for use only during peak periods, and which will otherwise serve as the shoulder of the Interstate (hereinafter referred to as the "Toll Project"); and

WHEREAS, HPTE desires to implement a dynamic variable toll schedule for the westbound I-70 Toll Project accessible to single occupant vehicles and high occupant vehicles for a fee on approximately 12 miles of I-70 between Veterans Memorial Tunnel and the US 40 interchange, (hereinafter referred to as the "Toll Facility"); and

WHEREAS, the Division, CDOT, and HPTE desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) applies to the Toll Project; and

WHEREAS, 23 U.S.C. 129(a)(1)(C) allows for Federal participation in initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction.

NOW THEREFORE, the Division, CDOT, and HPTE hereby agree as follows:

1. The Toll Project meets the toll eligibility requirements of 23 U.S.C. 129(a)(1).
2. CDOT and HPTE shall comply with all requirements of 23 U.S.C. 129(a), as amended, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

STATE OF COLORADO
HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: _____
Nicholas J. Farber, Director

DATE: _____

STATE OF COLORADO
COLORADO DEPARTMENT OF TRANSPORTATION

BY: _____
Shoshana M. Lew, Executive Director

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION

BY: _____
John M. Cater, Division Administrator

DATE: _____



COLORADO
Department of Transportation
Division of Maintenance & Operations

Maintenance Engineering
2829 W. Howard Place, 4th Floor
Denver, CO 80204-2305

TRANSPORTATION COMMISSION REQUEST

TO: Transportation Commission
FROM: Kyle Lester, Director of Highway Maintenance
CC: Herman Stockinger, CDOT Deputy Executive Director

DATE: September 9, 2019
SUBJECT: Additions to FY 20 Maintenance Project List

Purpose

The Maintenance Sections have identified projects valued at between \$50,000 and \$150,000 for construction in FY 20. The resolution details additions to project locations, type, and dollar value.

Action Requested

Per CRS 24-92-109, and PD 703.0 require CDOT to prepare estimates of proposed work exceeding \$50,000 up to \$150,000 for Transportation Commission approval prior to undertaking the work.

Background

Surface Treatment: The program allows the Maintenance Sections the flexibility to react to current needs by treating individual segments of highway showing distress.

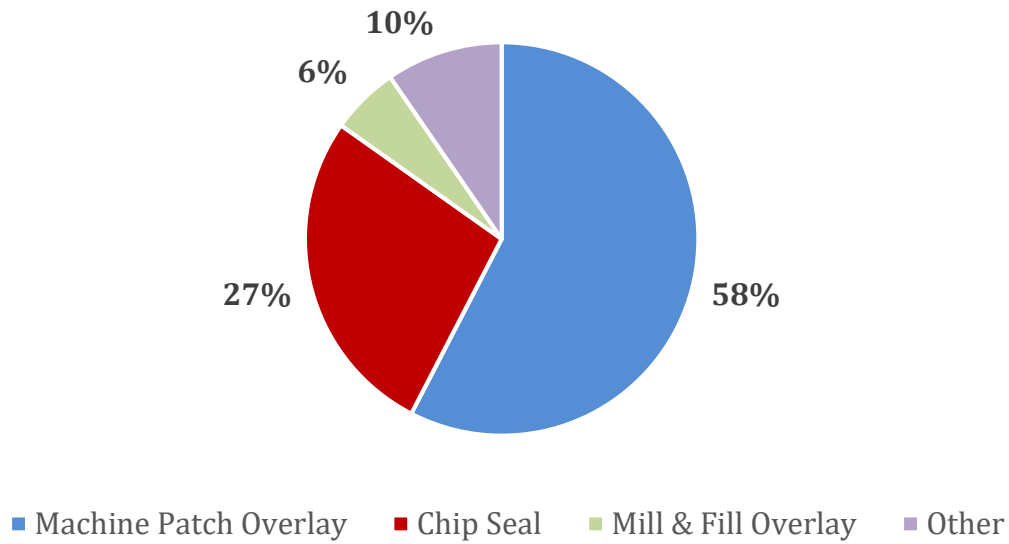
Sufficient funds exist to pursue these additional projects. The projects are in accordance with the directive and all other requirements. The Division of Maintenance and Operations recommends approval of these additions to the FY 20 over \$50,000 project list.

Key Benefits

Approval of these projects will allow the Maintenance forces to proceed with these projects ensuring the safety and mobility of the traveling public and enabling the continuation of commerce along the state highway system.



Project Type and Percentage of Each Category of Projects



Next Steps

Upon approval, the Maintenance forces will proceed with construction of these projects in remaining FY 20.

Attachments

Resolution for Transportation Commission Approval

