



COLORADO

Department of
Transportation

The public-private partnership (P3) on the US 36 Express Lanes Project is a new way of doing business for the Colorado Department of Transportation (CDOT), and it raises many questions. A couple of points, in particular, have been raised at recent meetings and in the media and are important to clarify.

- **The entire US 36 highway will not be tolled.** Only the new express lane will have a toll option. Two lanes will remain free to drivers, as it is today. The express lane will also accommodate Bus Rapid Transit and carpool vehicles.
- **The toll will not be \$28 from Denver to Boulder.** In the contract, it was necessary to put a cap, which is \$14 each way over the 50-year contract lifespan. It is unlikely tolls will reach that cap. Tolls will be very similar to what they are today on the I-25 corridor (ranging from \$4 - \$6 in the peak period). All toll rates will be approved by the Governor-appointed HPTE Board.

WHAT IS IN THIS CONTRACT? IT...	
DOES	DOESN'T
Does allow concessionaire to conduct US 36 roadway operations and maintenance.	Doesn't sell or turn ownership of the road over to a private company: it will always remain under the ownership of the State of Colorado.
Does outline that only one <u>new</u> lane in each direction on US 36 will be tolled.	Doesn't allow the concessionaire to toll ALL lanes on US 36 (<u>existing lanes remain free</u>).
Does require a public, governor-appointed board to approve all toll rates.	Doesn't allow the concessionaire to set their own tolls.
Does only apply to US 36 construction and US 36 and I-25 toll revenue collection.	Doesn't enact public private partnerships for other corridors.
Does transfer the risk of paying back debt to build project to concessionaire.	Doesn't allow taxpayers to be responsible if revenue is less than projected.
Does allow CDOT to make continued transportation improvements on adjacent corridors.	Doesn't prohibit the State, RTD or local governments from improving transportation in the area for 50 years.
Does identify who can use the lane: BRT, HOV and SOV drivers willing to pay a toll.	Doesn't allow the concessionaire to set the policy on what qualifies as HOV.
Does tie toll rates to congestion measures.	Doesn't allow the concessionaire to set the toll rates without limits. Tolls are likely to be closer to \$4 to \$6.
Does outline the service standards for maintenance and operations with penalties if they don't meet them.	Doesn't let the concessionaire slip under the radar for performance.
Does require that concessionaire maintenance employees be paid the same as state employees.	Doesn't result in ANY state employees losing their jobs (they will be shifted to other areas) or pay reduction.
Does include a process to amend or get out of the contract.	Doesn't prevent the state from adjusting or cancelling the contract if necessary.
Does allow CDOT to take over the operation and maintenance of US 36 if something happens to Plenary before the end of the contract.	Doesn't leave the highway inoperable in the event of a breach of contract.