

Transportation Commission Workshops were held on Wednesday, April 19, 2017. The Regular Transportation Commission Meeting was conducted and was hosted at CDOT HQ Auditorium on Thursday, April 20, 2017.

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

Transportation Commission Committee Meetings Wednesday, April 19, 2017

Right of Way Acquisition Workshop (Josh Laipply)

Purpose: The purpose of the workshop is to discuss right-of-way acquisition (negotiations), and condemnation documents.

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

Projects with property acquisition requests for April 2017 include:

- Federal Blvd ITS (Bellevue to Radcliff)
- SH 12 Critical Scour Bridges
- US 24 Battle Mountain Pass Rockfall
- PR US 34 Big Thompson Canyon
- US 287 (SH1 to LaPorte Bypass)
- US 160/SH 17 Alamosa Intersection Improvements
- I-70 Central Project – 3 parcels

Project with proposed authorization for condemnation proceedings to move forward for April 2017 include:

- US 160 McCabe Creek Culvert Replacement

Discussion:

- For the US 24 project regarding acquisition, it was noted by the Region 3 Transportation Director that the developer was agreeable with the acquisition proposal, but another contends that the developer is not the formal owner of the property.
- It was decided that the Commission take more time to discuss the property proposed for condemnation, which is related to the US 160 McCabe Creek Culvert Replacement project that is in downtown Pagosa Springs.
 - CDOT has already paid the owner \$62,250.00 based on the fair market value of the property.
 - Counter offers to acquire the parcel in full have been \$250,000.00.
 - Issue is land needed covers the access easement to property which is the only access to piece of property with occasional use.
 - Property is located in the 100-year floodplain and the best options is to acquire the entire property.
 - Email received from one of the property owners, Mr. Wilsey, was received and distributed to Commission members in attendance.
 - It was noted that the Commission is not being requested to decide on condemning the property via eminent domain at the regular meeting, but to move forward with condemnation proceedings which will include a public hearing with a final decision by jury where the Commission will serve as the plaintiff.

- The Commission expressed that they were comfortable with making a decision to move forward with condemnation proceedings at the regular meeting.
- Commission prefers to see detailed presentations when discussing properties being considered for condemnation.

Freight Workshop (Debra Perkins-Smith)

Purpose: To review the staff recommendations for funding for the first two years of the National Highway Freight Program (NHFP).

Action: None. Transportation Commission input on the staff recommendation, with action requested in May.

- This project list of freight projects for FY 15-16 and 16-17 are a culmination of several workshops to obtain Commission approval and direction regarding freight funds of \$36 million for the first two years of the NHFP five-year program.
- Received input from the Statewide Transportation Advisory Committee (STAC) and the Freight Advisory Council (FAC).
- FAC input included emphasizing a focus on freight safety, truck parking, mobility – including low clearance bridges, leveraging funding sources, and balanced projects that are both construction and other types of improvements.
- The STAC expressed the importance of considering geographic equity.
- The list submitted today for review was approved by the FAC Steering Committee and will be presented to the Full FAC scheduled to meet next week – with no substantial changes anticipated due to the approval of the STAC Steering Committee.
- A total of 14 projects are provided on the list; costs ranges from \$ 1 million to \$7.5 million.
- Some project costs in the list are zero, due to being identified for State Planning and Research (SPR) funds provided by FHWA.
- Projects are as follows: 3 truck parking, 4 freight safety, 2 freight mobility, 4 advance FASTLANE projects, and 1 is a Planning and Environmental Linkage study that includes low clearance bridges.

Discussion:

- The Division of Transportation Development (DTD) Director pointed out the format of the May resolution for the NHFP project list takes a different tact that leaves room for flexibility to add dollars to project budgets as no project costs are included.
- The issue of assuming local matches in project funds was discussed.
- If sources of local matches become unavailable, possibility to tap into funds from future years of this program is possible.
- Project budgeting occurs after all funding sources are confirmed.

5311 Distribution Update (Mark Imhoff)

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

Action: Approve the attached resolution to establish a FTA 5311 distribution methodology, and authorize the CY 2018 distribution; future years to be further evaluated before TC authorization occurs to distribute funds.

Discussion:

- The Commission thanked the Division of Transit and Rail (DTR) Director for listening to concerns last month, and for responding to requests.
- The Chief Engineer thanked the Commission for their valid comments.
- Two key users of transit in Colorado support:
 - Tourism/State Economy
 - Social equity/Essential services
- A future consideration is establishing policies on how to use transit funds to support both user types adequately.
- A Commissioner noted that essential services type transit in rural areas should be a primary focus and that research resulted in learning that call-a-ride type services are substantially higher (in rural areas in District 11 - Eastern Colorado - from rural areas to Sterling costs can be \$75 and to Denver \$380).
- The other type of tourism/economy supporting services (ski resorts) also support commuters getting to work.
- The DTR Director recapped the proposed process (based on agency size category and a budget factor), and changes in the process that changed after receiving Commission comments in March.
- Since March, an additional meeting with subcommittee occurred, and outreach engaged all transit providers impacted by Section 5311 (f) funding.
- Revised approach was approved unanimously by the subcommittee. Further guidance and details will be worked out more.
- Three key issues to continue to address/consider include:
 - Balance and Equity of Service for Essential Services
 - Multi-County Agencies – How to fairly consider them (not penalize them for being a larger entity)
 - Historical events (e.g., Durango [the most negatively impacted by the new distribution method] receiving Job access/reverse commute funds for a program that no longer exists – this funding was taken off their budget and this allowed for Durango to receive an increased amount of funds)
- Request for Commission approval applies to only the first year of CY 2018 funds, as the process is refined with more discussions of the subcommittee.
- A request was made for a Transportation Commission member to join the subcommittee to directly address any potential concerns of the Commission and to provide understanding to all the considerations that occur during subcommittee decision making.
- The 50% local match required for Section 5311 (f) funds normally is at the limit for smaller transit provider agencies.
- A good discussion for subcommittee to have is how to define equity.
- Would like to obtain more information regarding ridership demographics so comparisons between rural transit providers can be made regarding the type and level of service rendered. A Commissioner suggested getting more qualitative elements covered in decision made for distributing Section 5311 funds.

Ballot Measure and Development Plan (Josh Laipply)

Purpose: To review the requirements of HB 17-1242 and detail to the Transportation Commission the steps necessary to meet anticipated deadlines for the development of a project list to be submitted to Legislative Council within 45 days of passage of HB 17-1242.

Action: None. Transportation Commission to provide input on staff direction, with action anticipated in May and June.

Discussion:

- Baseline for ballot initiative project list is the Ten-year Development Program – but projects in it are at varying levels of development.
- A refined project list with consistent cost estimation and risk analysis overseen by the Chief Engineer and the Program Management Office (PMO) is anticipated to be presented to the Commission in May for their consideration and comment.
- Workshops with Regions and lots of internal coordination has occurred to date with the last Region to meet tomorrow; serious attempts have been made to understand the “known unknowns” of the project list.
- Lessons learned from the Responsible Acceleration of Maintenance and Partnerships (RAMP) process is serving as the foundation of approaches for this project list development process including:
 - A statewide consistent and Region-specific cost estimation process
 - Project risk assessments for both the schedule and budget
 - Adequate engagement with communities where projects are to occur
 - Coordination with CCA and ACEC to ensure enough supplies and staff are available to work on projects in a timely manner without raising costs.
- A key consideration is that the project list resonates with the public
- Key component of analysis is cutting scope and costs from the existing Development Program.
- The next 60 days this project list will be a key focus of the Commission and a special meeting, via conference call, may be required.
- CDOT will have 45 days after the legislation passes (if it does pass) to deliver the project list. The ballot initiative, if passed through the legislature, will go to a public vote in November 2017.
- The quickest the legislation would pass would be eight to 10 days from today with the legislative session ending on May 10th.
- Commissioners are invited to also listen in on May 2017 STAC meeting to gain an understanding of STAC comments prior to approving a list in June; it was noted the STAC meeting in May is earlier due to the Memorial Day holiday, May 19th.
- Now the list is 74 projects and approximately 20 are NEPA ready.
- A map of projects listed was requested by the Commission and is already under development by staff.
- A cost probability curve that identifies the percentage of likelihood the project will be completed within budget will be part of the project analysis. Also identifying how many seasons are required to complete projects.
- Will assume funding sources for local matches only if provided in writing from the entity providing the match.
- Currently in the process of preparing project cost estimates now; projects with no construction component initially will add some construction component.

Bike/Pedestrian Workshop (Debra Perkins-Smith)

Purpose: To provide an overview of current bicycle and pedestrian activities.

Action: None. Informational update.

Updates for Bike/Pedestrian activities included an abbreviated discussion on:

- Bicycle and Pedestrian Policy Update
- Identification of High Priority Bicycle and Pedestrian Corridors
- Acquisition of STRAVA data – bicycle trip data collected via a smart phone app in an effort to identify a Bicycle Miles Traveled for the state.
- Information on other activities are provided in the Commission Packet.

Discussion:

- The cost of the STRAVA data - \$67,000 was expressed as a concern by the Commission; it was explained that other smaller agencies desired to purchase this data, CDOT stepped in to pay one fee for all trip information to then share with other agencies in the way that would be more efficient and cost effective vs. multiple purchases conducted by a number of smaller entities. In addition this data, is being paid for by FHWA funds under their SPR program.
- The bicycle/pedestrian policy directive (PD) 1601.0 was approved by the Commission, as would all future revisions to the policy.
- It was also noted that the STRAVA data can make the distinction between commuter travel and recreational travel when asked by a Commissioner.
- A discussion of who pays for bicycle and pedestrian trails ensued; the DTD Director noted that most trails are built by the local communities. CDOT maintains approximately 9-10 trails, but future trails are handed over to local communities to maintain if built by CDOT.
- A Commissioner noted that a primary focus for bicycle facilities should be providing shoulders in rural areas where they are only 2.5 feet wide. Also this Commissioner is of the opinion that cyclists generally prefer to stay on the roadway vs. travel on an off-road facility. In addition this Commissioner expressed concern over a non-recreational entity, such as CDOT, paying for an activity, cycling, that is mostly recreational.
- The Chief Engineer noted that CDOT is currently a multimodal agency.
- The DTD Director also noted that federal regulations also require CDOT to consider and support a multimodal transportation system that includes bicycle and pedestrian travel modes. In addition, safety is of the highest importance and a key rationale for off-road bicycle facilities at some locations.
- The Commission requested a future bicycle/pedestrian workshop when there is more time for discussion.
- A Commissioner expressed appreciation for the bike/pedestrian discussion anticipated to occur today, but noted that appropriate time for discussion was not possible today.

Transit and Intermodal (T&I) Committee (Mark Imhoff)

Purpose: Provide the Transportation Commission and update of Division of Transit and Rail activities.

Action: None. Information only.

Topics covered in the T&I Packet and/or discussed at the workshop included:

- Bustang Outrider/Regional Bus Planning
- FAST Act Colorado 5311(f) Apportionment
- Year summaries of Bustang Outrider (FY 2016-17, FY 2018-19 and future)
- Bustang Local Partnerships
- Major Next Steps for interregional bus service that includes:
 - Manufacture 6 Outrider buses
 - Potential June 2018 launch of Outrider with planned service to:

- Gunnison – Denver
- Alamosa - Pueblo
- Lamar – Pueblo
- Trinidad – Pueblo
- SB 228 – Year 2 Transit Project Development
- Multimodal Freight Plan and State Freight and Passenger Rail Plan Update
- Bustang Quarterly Report
- Transit Grants Quarterly Report
- SB 228 Transit Quarterly Report

Discussion:

- A Commissioner stressed the need for rural connectors that are timed adequately (not passing through in the middle of the night).
- The policy and guidelines that established the initial Bustang Service was the desire to provide connections to the six major transit providers in the state.
- The focus on I-25 was primarily commuter service; whereas the primary focus for I-70 was essential services (trips to medical facilities and other important services). The Inter-Regional Bus Study conducted in 2015 identified the need for these transit services between municipalities.
- The question was raised by a Commissioner as to how performance of the Bustang service is measured and which routes are addressing the travel demand.
- Several routes were noted and identified as performing well.
- Bustang is in the process of evaluating the provision of additional stops, and existing routes will be converted into the Bustang Outrider service program.
- A recent development is an interline agreement between Bustang and Greyhound to allow riders to buy one ticket that covers trips on both bus lines.
- One Commissioner noted a private enterprise conflict with Bustang, as a private service provider's plans for expanding their existing service was considered stifled by Bustang service.

Resiliency Committee (Josh Laipply, Lizzie Kemp)

Purpose: Provide the Transportation Commission an update on the I-70 Risk and Resiliency Assessment Pilot.

Action: Request for Transportation Commission approval on the final proposed model for identifying CDOT's most critical assets from a resiliency standpoint.

The pilot is following a seven-step process called RAMCAP+ (Risk Analysis and Management for Critical Asset Protection).

- Using RAMCAP+ the project team will:
- Inventory and value system assets.
- Identify which assets are most critical to system operations.
- Identify which threats are appropriate to consider.
- Calculate the probability of events occurring that could compromise those assets.
- Estimate consequences of probable events and the vulnerability of affected assets.
- Estimate the cost of resulting damage.
- Suggest alternative approaches for maintenance or improvement of those assets to increase resiliency and redundancy of our system in a way that is more cost-effective over the long term.

The project Working Group (WG), Executive Oversight Committee (EOC) and this Subcommittee previously agreed to use the following six variables for modeling asset criticality, reflecting the economic, social and environmental benefits provided by our transportation system:

- Traffic volume
- Roadway classification
- Tourism (\$ value)
- Freight (\$ value)
- Social Vulnerability Index (SOVI)
- System redundancy

The team believes the model effectively identifies those assets most critical to CDOT system operations from a usage, economic, social and environmental perspective. This model has the full support of the project WG and EOC.

Discussion:

- Resiliency considers how important a segment of highway is for movement people, goods and services – what elements of society is impacted if the roadway is closed for travel.
- Risk considers the probability of a roadway being damaged from severe weather or other hazard events.
- Risk and resiliency do not always occur together; a road with high risk for damage may not have a high resiliency impact and vice versa, a roadway with high resiliency importance may not be at high risk for damage or closure.
- Commissioners noted that the redundancy map – need clearer depiction of alternate routes for key corridors; it was also noted that the redundancy analysis may be refined in the future.
- It was also noted that criticality was completed for the entire state and mapped, along with region level maps to provide more detail.
- Several iterations of weighting for the six variables occurred and it was determined that equal weighting of the variables produced the most reasonable results for criticality across the state.
- Commissioners expressed the need to convey the results of the criticality and risk assessment down to a level that is easier to understand; the consultant and project manager are working on how to convey all of this information in a clear and friendly manner.
- It was noted that the Risk assessment will only occur for I-70 for this pilot project; conducting a risk assessment on all corridors statewide is a future consideration.
- A Commissioner asked where CDOT stood with other state DOTs in identifying criticality and risk for corridors; it was noted that after the 2013 Floods, CDOT was recognized nationally for their efforts to consider risk for assets and resiliency and using risk analysis for eventual decision making.
- A Commissioner noted CDOT's desire to be more proactive vs. reactive (consider the *it is not if, but when* mentality).
- The Chief Engineer also noted that risk and resiliency also include aspects related to operations and maintenance activities.
- A Commissioner discussed the concept of taking this analysis to the state legislature to inform them of this analysis and stress the importance of considering risk and resiliency for transportation infrastructure. Wants to spread the word about risk and resiliency concerns.

- The third of four all-day workshops is scheduled for May 9, 2017, where the Working Group will review results of the vulnerability and consequences modeling, and initiate calculation of CDOT's risk (in terms of dollar cost) related to potential future physical threat events.
- The next step is to do a deeper dive on three to five segments of I-70 to assess benefit/cost analysis on resiliency improvements at key areas.
- Will return to the Commission in October 2017; the plan is anticipated to be finalized in November 2017.

Transportation Commission Regular Meeting Thursday, April 20, 2017

Call to Order, Roll Call

- Commissioners Reiff, Zink, Thiebaut, Hofmeister, Gilliland, Peterson, Connell, and Scott were in attendance with other Commissioners excused.

Open STIP Public Hearing (Maria Sobota)

The Commission Chair formally opened the STIP Public Hearing. No comments were raised.

Audience Participation (10 minutes – Three minutes per person)

- Mr. and Mrs. Kammerzell testified their concerns with design of the SH 60 project on their property.
- The Commission Chair noted that the Transportation Commission does not approve project design decisions, but that it was appropriate to hear the concerns of the property owners.
- The Kammerzells were accompanied by Dr. Robert Ettema, a civil engineer from Colorado State University (CSU) with a specialty in river hydrology and mechanics, who also has recommendations for design of the project impacting the Kammerzell property.
- The Kammerzells were recommended to speak more with the Region 4 Transportation Director and the CDOT Chief Engineer regarding any design concerns they have.

Comments of Individual Commissioners

- Commissioners noted the importance of Remembrance Day ceremonies that occurred this month.
- A Commissioner noted at County Commission meetings occurring in Region 5, CDOT staff received compliments for their work. Local newspaper thanked CDOT for completing Americans with Disabilities Act (ADA) ramps on Main Avenue on US 550 in Durango.
- Meeting in Douglas County with CoPIRG went well discussing rural issues, and the Commission Chair appreciated staff work.
- Commissioner Gilliland explained how various counties and cities have contributed significant funds to transportation projects in her District and recognized each community and their contributions. In summary, over the past 12-14 years communities have contributed over \$80 million to transportation projects.
- The Commission Chair recognized Commissioner Gilliland for her participation in making all the partnerships possible.

Executive Director's Report (Shailen Bhatt)

- Echoed the importance of Remembrance Day events; thanked John Cater of FHWA for attending the Remembrance events.
- Yesterday visited Denver Metro South Chamber of Commerce with State Senator Grantham and State Representative Mitsch-Bush to discuss transportation funding, and last night traveled to Lamar with the

Governor to discuss how to build resilience for communities in terms of economic development and other factors.

- Denver Post noted that bill for transportation funding is on life support.
- Was on a call with the White House to discuss opportunities to accelerate processes for project approvals for environmental clearance – was a good discussion.
- Made trip to D.C. with AECOM staff, and received kudos for being one of 35 finalists for the HyperLoop One global challenge.
- A new Audit Director, Frank Spinelli, was recently hired, a great addition to the team.

Chief Engineer's Report (Josh Laipply)

- Thanked the Kammerzells for making the trip to CDOT to discuss their concerns. Will gladly go over their concerns with them.
- CDOT now has a new Chief Data Officer, Barbara Cohn, previously the Chief Data Officer of New York City.
- Program Management Office – expenditures were low recently, but anticipate catching up to Expenditure Performance Index (XPI) goals, but the Schedule Performance Index (SPI) may fall short of goals.
- Recently signed many construction authorizations.
- Project List for HB 1242 is taking a lot of time – how to spend \$3.1 billion with the best cost estimates in one month- this is a monumental task.
- Chief Engineer feels a good plan is in place to come up with the list.
- Two Transportation Commissioners concurred.
- The Executive Director noted how challenging this project list task is in terms of protecting from and planning for the unknowns. Appreciates the effort underway and the patience being displayed by staff.

HPTE Director's Report (Nick Farber)

- April 5th announced switchable transponder is available for free if placed in HOV mode/carpools.
- Use on the Mountain Express Lane (MEXL), E-470 and Northwest Parkway the switchable transponders are not free; but drivers are eligible for a \$15 refund under this program.
- I-70 Central one-on-one meetings obtained good comments.
- MEXL is winding down won't be open this weekend. It will open again this summer.
- RFPs in progress for I-25 South and C 470, beginning work on I-70 West-bound.
- David, Nick and Tony spoke at the Urban Land Institute (ULI) and Transportation Symposium.
- Nick spoke at Project Management Institute.

Federal Highway Administration (FHWA) Director Report (John Cater)

- A Title VI complaint for I-70 East project – underwent review and resulting in a Finding of No Discrimination which was good news.
- CDOT submitted an ADA transition plan on how to spend \$85 million to come into ADA compliance. The plan was submitted to FHWA Headquarters and an approval is anticipated. It is also anticipated that this plan will serve as a national model for other state DOTs.
- Remembrance Day is tied to Work Zone Safety week – this type of event is not done on a national basis. CDOT does a good job with remembrance and it also serves as a reminder to be safe during the construction season.

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

- The STAC has no comments on the STIP
- Supports the bill but wanted to note not to make significant changes to Development Program projects
- HB 1242 and the project list:

- The Commission is invited to listen in on the next STAC meeting to hear and discuss directly comments on the project list prior to final approval anticipated to occur in June.
- The May STAC meeting is earlier than usual, May 19th, due to the Memorial Day Holiday.
- Provide the STAC the opportunity to review the list prior to approval.
- Rest Area Policy Guidance – FHWA is restricted to vendors at rest areas; STAC would like to investigate options to relax this restriction.
- National Highway Freight Program – visible progress is needed – approving the FY 2105-2016 and FY 2016-2017 freight projects will serve as visible progress. STAC recommends the Commission adopt the NHFP project list.
- Bike/Ped Program – STRAVA data monitors bicycle travel – STAC has requested access to this data; would like to be able to distribute data to other stakeholders.
- Section 5311 Funding – Two weeks ago STAC recommended approval to distribute funds – STAC will support all changes discussed at the workshop yesterday. STAC provided a unanimous vote to move forward.

Act on Consent Agenda (Herman Stockinger) – Approved unanimously on April 20, 2017.

1. Resolution to Approve the Special Meeting Minutes of March 3, 2017 (Herman Stockinger)
2. Resolution to Approve the Regular Meeting Minutes of March 16, 2017 (Herman Stockinger)
3. Resolution to Approve the Safe Routes to Schools Grants for FY 2017 (Debra Perkins-Smith)
4. Resolution to Approve Property Disposal on I-70 (Dave Eller)
5. Resolution to Reaffirm Abandonment of SH 265 (Paul Jesaitis)
6. Resolution to Approve Maintenance Projects (Kyle Lester)

Discuss and Act on the 10th Budget Supplement of FY 2016-17 (Maria Sobota) – Approved unanimously on April 20, 2017.

Revisions include:

1. Region 1 - \$1,174,594– *Sheridan Resurfacing Hampden to Arizona* - Surface Treatment Program - this project will be for curb ramp replacement and paving operations on Sheridan Blvd between Hampden and Arizona.
2. Region 3 - \$1,897,109 – *Glenwood Canyon Variable Speed Limit Signing* – RAMP – Operations - Request to utilize RAMP Operations Contingency funds to re-initiate previously shelved RAMP project.
3. Division of Highway Maintenance (DHM) - \$747,000 – Staff is requesting a transfer from the *Transportation Commission Contingency for Snow and Ice* to the Durango, Alamosa maintenance sections along with the Durango Traffic sections.
4. Region 3 - \$1,500,000 – Frost Heave Remediation on Vail Pass – Staff is requesting a transfer from the *Transportation Commission Contingency Reserve Fund* to the Region 3 TCC pool. In recent years frost heaves on the west side of Vail Pass have progressively worsened over the years in winter creating a huge safety issue.
5. TCCRF Returns \$500,000- TCCRF- Correction to February reported FY17 Capital Construction funds. These funds were previously accounted for in the FY 2016-2017 Budget and should not be recorded as additional funds.

Approve Request for Administrative Appeal Hearing on Access Permit Denial (Ryan Rice) – Approved unanimously on April 20, 2017.

- A landowner is requesting an administrative hearing on the CDOT’s denial of an access permit application. The appeal request stems from a decision by the Region 3 access permit unit to deny an

application for direct access to State Highway 131. Region 3 asserts the reason for denial of the permit application to be the property's existing and historical access to Routt County Road 14D, which intersects with SH 131, and is deemed reasonable access by the Routt County Engineer as well as CDOT.

Discuss and Act on 5311 Transit Methodology (Mark Imhoff) – Approved unanimously on April 20, 2017.

- Authorizing year one of the transition plan (CY 2018) for distribution.

Discuss and Act on Right-of-Way Acquisition Approvals (Josh Laipply) – Approved unanimously on April 20, 2017.

Discuss and Act on Right-of-Way Condemnation Approvals (Josh Laipply) – Approved unanimously April 20, 2017.

STIP Public Hearing Closure (Commission Chair)

- An opportunity for attendees to comment on the STIP was provided. No comments were raised. The STIP Public Hearing was closed by the Commission Chair.