

**Transportation Commission Workshops were held on Wednesday, February 15, 2017. The Regular Transportation Commission Meeting was conducted and was hosted at CDOT HQ Auditorium on February 16, 2017 to discuss preplanned agenda items. Commissioner comments and all customary reports were part of the meeting agenda.**

**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, February 15, 2017**

**C-470 Workshop (Josh Laipply, David Spector)**

Purpose:

The purpose of this workshop was to summarize the Responsible Acceleration of Maintenance and Partnerships (RAMP) reallocation options on the C-470 Express Lanes Project, to put forward a staff recommendation, and to recommend its approval.

Action:

The Transportation Commission is asked to adopt a resolution to address the allocation of excess RAMP funds related to the project. Four options, for RAMP allocation were considered and evaluated in detail by CDOT and the C-470 Corridor Coalition Steering Committee.

Option 2b, the recommended reallocation includes:

- Taking the original amount of RAMP funds allocated to the C-470 project, \$52.3 million, and allocate:
  - \$19 million to remain on the C-470 project to advance funds for improvements between Wadsworth and I-70 including: completion of the National Environmental Policy Act (NEPA) decision document, complete 30% design plans, complete at least a level two traffic and revenue study, and set aside approximately \$5 million for acquiring additional right-of-way;
  - The remainder of the \$52.3 million (\$33.3 million) would be reallocated to the High Performance Transportation Enterprise (HPTE) RAMP Development Fund for other CDOT priority projects. The Commission is being requested to approve Option 2b for the reallocation of these RAMP funds.

Discussion:

- Overall recognition and appreciation for this innovative and creative option. General support for option 2b by the Commission members was expressed during the workshop.
- One item needing clarification for option 2b was whether or not Douglas County's match of \$10 million for C-470 would remain in place. Douglas County Commissioner, Roger Partridge, attended the workshop and confirmed that the Douglas County match for C-470 would remain in place with the proposed change in RAMP funding allocations.
- The Chief Engineer noted that establishing a policy for reallocations and corresponding local matches is an important consideration.

**FY2017-18 Budget Workshop, FY 2016-17 Funding Needs and Availability (Maria Sobota)**

***FY 2016-17 Funding Needs and Availability Workshop***

Purpose:

This discussion relates to the current reconciliation of the Transportation Commission Contingency Reserve Fund (TCCRF) and provides details for funding decisions to be made by the TC through the February monthly budget supplement process. A number of items being brought to the TC for funding consideration this month have been discussed in previous workshops. These items include:

- Project Design Funds (\$20.0 million)
- Asset Management (\$20.0 million)
- Maintenance Resurfacing (\$10.0 million)
- RoadX (\$13.75 million)

Action:

The TC is being asked to review the staff recommendations and approve funding for the items mentioned above in February in consideration of future uses of the TCCRF. The Division of Accounting of Finance (DAF) has also included the monthly budget supplement memorandum in this month's TC packet that includes the aforementioned requests.

Discussion:

- A Commissioner expressed concern over the need to have funding for damaged roads resulting from this year's rough winter.
- The Chief Engineer noted that \$30 million of these funds are proposed to go to either asset management and/or maintenance resurfacing.
- Another Commissioner wondered if this \$30 million would be enough to address damages noted earlier.
- Commissioners requested more information regarding the RoadX funding and the breakout items for this funding.
- It was explained that RoadX funds were mainly going to the Panasonic contractor as noted in a previous presentation provided to the Commission.
- A concern was raised by a Commissioner regarding CDOT's messaging – noting the positive things happening at CDOT along with the critical funding shortfall CDOT is confronted with. The critical funding shortfall should be CDOT's top message. This will be discussed in more detail with the Commission at the breakfast scheduled for tomorrow and the Office of Communications may be asked to participate.
- Commissioner noted that overlay vs. reconstruction to treat pavement is not always effective. In one area the overlay lasted only six months. Need more in depth evaluation of this approach to pavement maintenance.
- Climate change, population growth, and increasing travel demand in Colorado are key factors also having an influence on roadway condition and pavement life.
- A desire was expressed by the Commission to have a workshop on surface treatment next month.

***FY2017-18 Budget Workshop***

Purpose:

This workshop covered the following topics:

- Senate Bill (SB) 09-228 General Fund Transfer Forecasts
- FY 2017-18 Final Annual Budget

Action:

The TC is being asked to review the FY 2017-18 Final Annual Budget, and provide the Division of Administration and Finance (DAF) with guidance and input in preparation for the March 2017 meeting when the FY 2017-18 Final Annual Budget will be presented to the Commission for adoption.

Discussion:

- Commissioners requested and received hard copy color copies of the FY 2017-18 annual budget handout materials.

**Freight Workshop Part 2 (Debra Perkins-Smith)**Purpose:

To review and discuss project selection scenarios for the initial years of the National Highway Freight Program.

Action: None, information only.

Four project selection scenarios were presented.

1. Construction projects – focused on ready to go projects.
2. Advance projects – to prepare for other funding opportunities – making projects more competitive for discretionary grant funding programs.
3. Statewide programs – focused on a programmatic approach for smaller (lower cost) more targeted freight projects.
4. Hybrid – a mix of the other three project scenario types.

*Freight Investment Plan*

Beginning in December, 2017, a State Freight Plan must include a fiscally constrained Freight Investment Plan. The Multimodal Freight Plan, currently in development, will combine significant analysis of freight system needs with Region and stakeholder input to develop the Freight Investment Plan element. CDOT currently has \$35 million of freight funds to spend for FY 15-16 and FY 16 – 17.

Input from the Statewide Transportation Advisory Committee (STAC), and Freight Advisory Council (FAC) was highlighted.

- STAC supported scenario 4. – The hybrid approach.
- FAC preferred the programmatic scenario – 3. Statewide Programs. The FAC prefers that all projects be freight specific (with the main driver being freight, with benefits primarily focusing on freight). The FAC does not want projects using the freight program as another funding source to top off existing projects. The key focus areas identified by the FAC as priorities are truck parking and freight safety.

Discussion:

- FAC is evaluating their philosophy for freight project identification and selection and will share their findings with the STAC at the February 2017 meeting.
- The following month a list of proposed freight projects from the four scenarios will be evaluated by the FAC and submitted to the STAC in March 2017.
- A Commissioner noted that the recently closed rest areas could provide a potential solution to some of the truck parking problems. They also noted that for freight providing an “S” curve or infrastructure link to a cluster of highways in Logan County would be a potential freight project (linking US 34, US 6, SH 113, US 138, I -76, SH 14, SH 63, etc.).
- In addition, plans are in place for CDOT to discuss these scenarios with the Metropolitan Planning Organizations (MPOs).

**Right of Way Acquisition Workshop (Josh Laipply)**Purpose:

This presentation is to clarify roles and appropriate contact with potentially impacted property owners to comply with the recent Colorado Supreme Court ruling associated with the Americo case. Property owners may be personally contacted about road alignment and project impacts at any time before the Transportation Commission reviews and approves the right-of-way parcel acquisitions.

The sole prohibition on CDOT and consultant contact with property owners before the Transportation Commission authorizes acquisition of the parcels is contact with the purpose to discuss property price. The offer

and negotiation discussions between CDOT staff/consultants and the property owners must wait until after the Transportation Commission has found acquisition of the parcels to be in the public interest and have authorized the acquisition.

Action:

Resolutions for right-of-way acquisition and settlement (none for condemnation) have the TC authorize the Chief Engineer to negotiate and tender damages to properties specified.

Discussion:

- Each separate resolution was reviewed and discussed by the Commission. Three right-of-way acquisition resolutions had comments.
- If a resolution had comments from landowners on file the parcels under ownership of the commenting landowners were recommended to be pulled from the resolutions for further discussion at the Commission breakfast the following day, discussing revised staff recommendations and findings.
- One land owner family, the LePlatt family, attended the workshop, and their engineer son, Wade LePlatt, commented to present an alternative access route to CDOT to move it to the north of their property versus the one proposed for the south. The new access route would include consideration of different parcels of land. This project was located in Region 2 regarding critical scour bridge projects.
- A Commissioner noted that a presentation was provided to Mr. and Mrs. Kammerzell regarding their property involved in the SH 60 project over the South Platte River. This couple were part of audience participation at the January 2017 Commission meeting. The Commission needs to determine findings related to this property. The Commission will discuss property as early as March 3<sup>rd</sup>, or at the next Commission meeting scheduled for March 16, 2017.
- Due to the Amerco case ruling that caused the change to the Transportation Commission’s involvement in right-of-way acquisition, settlement, and condemnation proceedings, the Chief Engineer announced he is developing a memo and handout describing all the topics that may be discussed with property owners by CDOT staff, e.g., right-of-way personnel and engineers.
- The Right-of-Way Manual will also be updated.

**Transportation Commission Regular Meeting  
Thursday, February 16, 2017**

**Call to Order, Roll Call**

- All ten Commissioners were in attendance.
- The vacancy created by Commissioner Barry, of District 4, leaving the Commission is still to be filled.

**Audience Participation (10 minutes – Three minutes per person)**

- David Schmidt, Director of Public Works and Development of Arapahoe County, presented the Young Leader’s Award to Jeremiah Unger of CDOT Environmental Programs for his innovative work promoting water quality. Jeremiah developed programs for water quality asset management and maintenance program training. These programs are potentially applicable for use at other agencies and departments of transportation.

**Comments of Individual Commissioners**

- Commissioners recognized Zach Alexander’s major contribution to CDOT and wished him well with leaving CDOT to stay home to raise his newborn twins.
- Various meetings attended by the Commissioners across Colorado including Transportation Planning Region (TPR), county, and local community meetings were highlighted.
- The I-70 Central telephone town hall occurred last night as was considered a success.

- Colorado Forum was mentioned– Commissioner Reiff, and Executive Director Bhatt attended as speakers.
- Ski-Train obtaining international and national recognition for tourism in the press.
- A Commissioner commended Region 4 for their engagement of communities to provide matching funds for projects for US 34 and SH 402.

#### **Executive Director’s Report (Shailen Bhatt)**

- Recognized, thanked and congratulated Zach.
- Restated Commissioner Gifford’s note regarding the Ski-Train receiving lots of press.
- Jerad Esquibel was welcomed as the new Director of the Division of Project Support (new Scott McDaniel).
- Record of Decision (ROD) was signed for I-70 Central Project.
- CDOT for I-70 Mountain Express Lanes (and CDPHE) recognized by the Governor’s Elevation Award.
- I-70 Mountain Express Lane also recognized by Women’s Transportation Seminar (WTS) as the transportation solution of the year).
- Twin Tunnels Project recognized by ENR as “Best of the Best Highway Project”.
- Testified related to potential federal Infrastructure funding being too public/private partnership dependent – with Wyoming DOT and others – Colorado is leading the way to make this argument.

#### **Chief Engineer’s Report (Josh Laipply)**

- Thank you to Zach and to Jeremiah Unger.
- Congratulated and welcomed Jerad Esquibel.
- American with Disabilities Act (ADA) Transition Plan was submitted to FHWA – Colorado has a robust goal of 100% compliance in 5 years. Currently CDOT is approximately 20% compliant – there is an effort to support emerging small businesses with this transition plan.
- Project Management Office (PMO) spending level was low in January 2017, hope good weather in February allows us to catch up. No action is required at this point – will revisit in March and April. There is a Project Management Governance Committee to oversee this effort.

#### **HPTE Director’s Report (David Spector)**

- The HPTE Annual Report in new format/template has been released and will be distributed.
- No Audit findings for HPTE; presentation on audit was provided to Division of Accounting and Finance (DAF).
- Telephone Town Halls for I-70 Central occurred last night with open house scheduled for tonight.
- C-470 Bonds have been acted on and approved by the HPTE Board; parameters were established for interest rates.
- Coming to Commission today to obtain approval on Direct and IAA contracts between CDOT and HPTE.

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

- Signed ROD for I -70 Central as mentioned previously – information is posted in the Federal Register.
- ADA Transition Plan – believe it is the best plan of its kind in the country – hope it receives approval quickly.
- Events that recently occurred include in two parts at USDOT in Lakewood include:
  1. Move Over Campaign (for emergency vehicles) – CDOT Executive Director, Shailen Bhatt also attended.
  2. Training for first responders to look out for one another during incidents to help increase safety by maintaining mobility and avoiding secondary crashes.
- Last week the Transportation Environmental Resource Council (TERC) met and celebrated their 15<sup>th</sup> anniversary. TERC has grown from their state and federal agency base to include MPOs, Tribes, and local

governments. Noted that these pre-formed relationships, policies/procedures/memorandums of understanding (MOUs) established by the TERC helped with successful response to the 2013 Floods.

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

- Discussed Statewide Transportation Improvement Program (STIP) and lessons learned.
- Congratulated CDOT on the STIP Newsletter – it is a very useful document.
- State Legislative Report – STAC recommended coordination with legislature to ensure the CDOT actions are not in conflict with being eligible for funding, or that CDOT funds are being spent elsewhere.
- Topics for discussion with the Commission that the STAC would like to focus on include:
  - Project Development Process
  - Needed Funding
  - Engagement with Local Elected Officials
- A good summary of the National Highway Freight Program was provided – STAC sees these projects needing to be highly visible, and consider if projects are not already funded by other sources.
- STAC encourages \$20 million to go pre-construction – to get more shelf ready projects.
- Transit 5311 program – had a performance-based discussion with a focus on fair funding distribution practices.

**Act on Consent Agenda (Herman Stockinger) - Approved unanimously on February 16, 2017.**

1. Resolution to Approve the Regular Meeting Minutes of Jan. 19, 2019 (Herman Stockinger)
2. STIP Policy Amendment (Maria Sobota)
3. Property Disposal: I-25 @ US 36/I270
4. Property Disposal: SH 30
5. Property Exchange: SH 6 Clear Creek Greenway

**Discuss and Act on the 8th Budget Supplement of FY 2016-17 (Maria Sobota) - Approved unanimously on February 16, 2017.**

See the Transportation Commission packet for details on the budget supplement. Items not discussed during the workshop that Maria highlighted included:

- Central 70 - \$10,935,000- *I-70 ML over US 6, Rail Road, City Street (Viaduct)* - Senate Bill 228 Utilize FY2015-2016 SB228 funds (received on June 30, 2016) for ROW Acquisitions and Relocations.
- Region 4 - \$6,493,600 – *Loan to Region 4 for I-25 North ROW Acquisitions-TCCRF*- In November, department staff provided the Transportation Commission (TC) with a budget summary for the I-25 North Corridor Express Lanes.
- Division of Highway Maintenance (DHM) - \$816,790 – Staff is requesting a transfer from the Transportation Commission Contingency for Snow and Ice to the Region 3 and 5 maintenance sections Grand Junction, Durango, Craig, and Alamosa.

**Discuss and Act on IAA & Direct Agreement for C-470 (David Spector) - Approved unanimously on February 16, 2017.**

**Discuss and Act on C-470 Resolution (Josh Laipply) – Approved unanimously on February 16, 2017.**

**Approved** Option 2b – allowing \$19 million to remain under the C-470 project, and move \$33.3 million to the HPTe RAMP Development Fund for other CDOT priority projects.

**Discuss and Act on Right-of-Way Settlement Approvals (Josh Laipply) - Approved unanimously on February 16, 2017.**

**Discuss and Act on Right-of-Way Acquisition Approvals - Approved unanimously on February 16, 2017.**

- Several parcels were also unanimously approved for postponement due to comments received from property owners on the following projects:
  - Region 2 Critical Scour Bridges
  - US 550, Kirby Lane to CR 214
  - US 34 Big Thompson Canyon
- An ad hoc Right-of-Way Working Group of the Transportation Commission has been created with the following membership: Commissioners Gifford, Gilliland, Connolly, Hofmeister, Thiebaut (Chair), and Chief Engineer, Josh Laipply, along with First Assistant Attorney General, Kathy Young.

**Safety Update (Darell Lingk)**

- Employee injury claims went down (335 to 245) by 30% from last year – good news.
- Employee vehicle crashes increased between 2013 and 2017. Defensive driving courses have seen a decrease in employee vehicle crashes that was down 5% compared to last year.
- Civilian caused crashes with CDOT vehicles have increased between 2016 and 2017 by 17%.
  - Crashes are located across the state – not noticeably on interstates vs. other roads.
  - Wing blades of new maintenance vehicles are involved in crashes with civilians. Civilians are often not able to clear the wing blades when they attempt to pass – CDOT is making efforts to make blades more visible.
  - New tow plows have not been involved in many crashes at this time – not indicated as a problem.

**Central I-70 Update (Tony DeVito)**

- ROD obtained for project:
  - Allows for procurement and right-of way acquisition to occur.
  - Four teams are short listed for this project.
- Risk optimization is a key focus of this project and is an interactive process.
- Tonight is the formal Open House; last night was telephone town hall that went well.
- A Commissioner complimented the project for its workforce plan to use local talent for construction.
- The workforce plan is a pilot program for federal aid projects – the first of its kind, and the Request for Proposal (RFP) deadline has been moved up to March 6 to comply with the pilot requirements.

**Other Matters**

Joel McWhirter of CDOT Region 5 Maintenance was recognized for his acts of heroism and responsiveness in saving a crash victim along US 24 at Trout Creek Pass when the victim's vehicle veered off the road with a 150-foot drop into the snow.

Multiple 2016 Environmental Awards were presented by Debra Perkins-Smith with assistance from Josh Laipply, and Regional Transportation Directors.

*Spill Proof Valve for Winter Deicing Materials*

- CDOT Region 5 Maintenance – Jamie Lawson and Robert Turner

*Maintenance Facility Redesign – Oil and sand separator channels reduced from six to two*

- CDOT Region 3 Maintenance – Allen Gardner, Benny Terry, Dave Rittinger, Dennis Sanchez, Doug Palmer, Lynn Powell, Mark Eike, Mike Hergenreter, Paul Anderson, Ron Cox, Shannon Merriam, Sterling Miller, Steve Simpson, Todd Erickson, and Todd Weber
- CDOT Region 2 Engineering – Austin Gilbert
- CDOT Region 1 Engineering – Stephen Bokros

*Innovative Environmental Process – Lynx in Lieu Fee Mitigation Process – First of its Type in the nation*

- CDOT Environmental Programs: Jane Hann and Jeff Peterson
- CDOT Region 3 Engineering, Clint Moyer
- FHWA, Stephanie Gibson
- U.S. Fish and Wildlife Service, Alison Deans Michael

*US 6 Over Garrison Street – Streamlined Project Design/Build - Under budget by 10% and completed six months early*

- CDOT Region 1 Engineering: Chris Paiz, Jan Chang, Kevin Brown, and Steve Sherman

*Special Contributor Safe Drain Installations – Drain plaques promoting no dumping – Recognized for innovation and going beyond duty for waste water treatment and water quality testing activities*

- CDOT Region 1 Maintenance, April Thomas