

**Transportation Commission Workshops were held on Wednesday, May 17, 2017. The Regular Transportation Commission Meeting was conducted and was hosted at CDOT HQ Auditorium on Thursday, May 18, 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, May 17, 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 May 2017 include:

- US 50 Passing Lanes East of Salida
- US 34 Big Thompson Canyon
- SH-7 Flood, Estes Park to Jct. SH-72
- US 34 & 36 FLAP Estes Park Couplets
- I-25 North: SH 402 to SH 14
- SH 184 Culverts Mile Marker 11.73 to Mile Marker 12.29
- I-70 Central Project

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

- I-70 Central – two properties, same property owner

### Discussion:

*Draft Policy Directive to establish guidelines for the Transportation Commission to determine whether acquisition of property for a CDOT Highway Project will serve the public interest.*

- Concern was expressed over the title of this policy directive
- A robust discussion occurred regarding the draft condemnation policy directive submitted to the Commission for review
- Kathy Young of the Attorney General's Office and Wayne Trujillo, Right of Way Manager from Region 2 were on hand to answer questions regarding comments on the draft policy directive.
- Commissioner Thiebaut submitted his comments on the policy and they were mostly related to the organization of the document.
- Many definitions – not referenced in the text of the policy were included to ensure when future discussions come up all relevant definitions are covered.
- The need to mention the purpose of the policy referencing Amerco case is fine, but no need to reference Amerco throughout the policy multiple times.
- Revisions/changes to the policy directive to address comments discussed will be distributed to the Commission in both redline and clean format.
- More discussion and review of a revised policy directive will occur next month.
- Any policy directive needs to outline a simple process and procedures that is easy for the Commission to implement and for property owners to understand.

- It was noted that before condemnation proceedings are approved for initiation, several opportunities for coordination and discussions with property owners are provided. Property Owners given the opportunity for due process is the important matter.
- Commissioners debated over the level of detail the Commission needs to be concerned with – not approving cost estimates for projects, but approving the procedures and guiding policy.
- Executive Director Bhatt noted many diverging opinions have been expressed; the Federal Highway Administration (FHWA) will also weigh in on the policy and CDOT will continue to work with the Commission to refine this policy.

#### *ROW Acquisitions*

- No substantial comments on modifications to proposed right-of-way acquisitions were raised during the workshop.

#### *ROW Condemnations*

- Concerns ~~with about ensuring that potential lack of opportunity for~~ property owners ~~have adequate opportunity~~ to comment on the Commission decision to proceed with condemnation proceedings, or answer questions pertaining to property owner compensation estimate comparisons the property owners proposed.
- For this project, the property owner was invited to attend the Commission Workshop and the Regular Commission Meeting, but the owners chose not to attend.
- The Commission decided to move forward with approval of the commencement of condemnation proceedings.

### **Refining the 10-Year Development Plan and Legislative Update Workshop**

Purpose: To update the Transportation Commission and State Transportation Advisory Committee (STAC) on the results of the recently completed legislative session, review the provisions of SB 17-267, and discuss the timing and staff progress on the development of a project list related to the new legislation.

Action: Transportation Commission and Statewide Transportation Advisory Committee (STAC) discussion and guidance on refinement of the Development Plan into projects for SB 17-267.

Background: As noted last month, based on pending legislation at the time (HB 17-1242) staff began work on refining the current 10-Year Development Plan into a list of about \$3.5 billion in projects statewide, with a plan for STAC and Commission participation in the process scheduled for May and June. It was expected that the Commission would need to adopt a project list by June 15 in order to meet the deadlines in HB 17-1242.

However, HB 17-1242 was Postponed Indefinitely and SB 17-267 was approved. The bill, among other things, authorizes the execution of lease-purchase agreements on state facilities totaling \$2 billion, to be issued in equal amounts over four years, beginning Fiscal Year '18-'19 (which begins July 1, 2018). CDOT will be the recipient of \$1.8 billion of those proceeds, with the remainder dedicated to controlled maintenance and capital projects on state buildings. 10% of CDOT's proceeds will be dedicated to transit projects.

Proceeds to CDOT may be used for projects that are in the STIP that are designated for Tier 1 funding in the Ten-Year Development Plan. The bill further requires at least 25% of the funds to be expended for projects in counties with populations of 50,000 or fewer as of July, 2015.

After the state covers payments for the capital construction proceeds, CDOT is responsible for the first \$50 million in lease payments related to state highway projects, with the remainder being paid by the General Fund “or any other legally available source.” After four years of lease-purchase agreements are executed, the repayment is expected to reach approximately \$150 million per year. Each lease-purchase agreement would have a term of twenty years.

Additionally, SB 228 transfers for FY '18 (\$79 million) are unaffected, but transfers in FY '19 and '20, each \$160 million, are eliminated.

While a ballot question is still possible, and CDOT must be prepared to respond with a list of projects should a petition effort begin, there is no longer the urgent legislative requirement that a project list be produced and provided to legislative staff in June, 2017.

Discussion:

- The Chief Engineer noted that CDOT is finishing out effort started ; selection of near future or long-term is a later decision
- Staff is to bring next month an updated project list with full Tier 1 List and some Tier 2 projects– with updated cost estimates and proposed schedules. Changes from original Development Program list will be highlighted
- There are still questions surrounding:
  - Timing for project lists, and choices for spending money:
    - Use funds for Transportation Investment Generating Economic Recovery (TIGER) matching funds?
    - Allow projects to get ready to go?
    - Select as funding becomes available?
- One Commissioner expressed concern that SB 267 funding could potentially be rescinded.
- Consider phasing projects versus requiring a local match; or link match levels proportional to population.
- Use Responsible Acceleration of Maintenance and Partnerships (RAMP) criteria as a foundation for establishing criteria for spending SB 267 funding; A Commissioner requested the RAMP criteria be distributed to the Commission members to review and consider.
- Expectations of local elected officials and the public is that lots of projects get done; need to manage this; high expectations are the biggest downside to the passage of SB 267.
- Deputy Executive Director noted that the requirement to spend at least 25% on counties with less than 50,000 population may change what CDOT deems as important, e.g., a program that addresses pavement condition, geographic equity and efficiency.
- Important to derive criteria working with the Statewide Transportation Advisory Committee (STAC).
- Executive Director Bhatt noted that 1.8 billion translates to approximately \$450 million received in FY 2018. There is lots of data – public needs to understand why did they win or lose for projects selected to be funded with this money. We need to show various scenarios considering equity, capacity, etc.
- Commissioners noted that scenarios are needed soon; especially to use in deciding selection criteria.
- Commissioner Hofmeister expressed concern with RAMP and previous matching process where match dollars went to project aesthetics instead of capacity improvements.

- Executive Director noted that July/August are months with heavy focus on Central I-70; need to check schedule with Herman and Deb regarding scenario development. Recommended establishing a subcommittee to establish guidance for spending SB 267 funding.
- Conduct a workshop in June to receive general direction from the Commission and STAC and staff can work in July/August on scenarios.

### **Pavement Workshop (Josh Laipply)**

Purpose: The Transportation Commission requested a presentation on pavement performance and the project selection process.

Action: Informational only.

#### Discussion:

- The Chief Engineer explained the old engineering-based process (Remaining Service Life) for pavement improvement projects and how it has changed with the Drivability Life process that is user experience based.
- Substantially more centerline miles of pavement is treated under the new process; but longevity of treatments is not a guarantee.
- Construction Cost Index (CCI) can change substantially and quickly – the Chief Engineer will send the Commission members CCI information to explain it in more detail.
- Commission was interested in knowing if staff is tracking the success and lessons learned from this new process.
- Chief Engineer noted each CDOT Region has staff that addresses model updates; with Drivability Life process we are accepting less longevity of treatment on more miles of roadway for less cost.
- One Commissioner noted it appears that city roads are built for a 40-year life, while rural roads are built for a 15-year life.
- Another Commissioner supported the Drivability Life approach.

### **Transportation Commission Regular Meeting Thursday, May 18, 2017**

#### **Call to Order, Roll Call**

- All 11 Commissioners were in attendance.

#### **Swearing in of Commissioner Stuart (Herman Stockinger)**

- Herman Stockinger swore in Karen Stuart to serve as the new Transportation Commissioner for District 4.
- Executive Director Bhatt welcomed Commissioner Stuart and provided an overview of her background experience; Karen Stuart is a former Mayor of the City and County of Broomfield known for her regional collaboration and strong support of FasTracks. While in elected office, she served as Chair of the Northwest Parkway Public Highway Authority, and had leadership roles with the Denver Regional Council of Governments, the US 36 Mayors and Commissioners Coalition, and the Metro Mayors Caucus.

#### **Comments of Individual Commissioners**

- Several Commissioners welcome Karen Stuart to the Transportation Commission and also welcomed Jennifer Uebelher the new Commission Liaison. Several also recognized Commission Chair, Gary Reiff for his service on the Commission. Gary is leaving the Commission after this month.

- Commissioners supported and recognized the Executive Director's good work and presentations during the Infrastructure tour.
- Commissioner Stuart thanked the Governor for appointing her, and expressed excitement to serve on the Commission.
- Commissioners Gilliland and Hall served together on a panel to discuss the impacts of SB 17-267 on the transportation system for Colorado Cooperation; Steve Parker and Doug Aden (previous Commission members) sent their regards.
- Commissioners described the various meetings and events attended including but not limited to:
  - Gilliland – Region 4 Retirement and Awards Ceremony
  - Ouray County Meeting attended by Commissioners Hall and Zink.
  - Per Commissioner Zink, Region 5 County Meetings were successful and efficiency scheduled.
- Commissioner Hall expressed looking forward to the Wildlife Summit in June, and recognized the Grand Avenue Bridge improvements are looking good and the project is going well; the community understands and supports the need to close the bridge for construction for three months.
- Commissioner Gifford – most work over past two months has been at the city and county level – working with City and County of Denver that are planning their own ballot initiative for this fall for transportation; noticed 10 years ago focus was on highways and now citizens are expressed needs for bicycle and pedestrian improvements instead.
- Commissioner Reiff thanked the Commission and recognized and appreciated working with the previous Executive Directors at CDOT over the past 8 years, and the exemplary leadership of Executive Director Bhatt.

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

- Visited Craig and other communities for the infrastructure tour; thanked Amy, Megan, Regional Transportation Directors (RTDs), and staff for all their hard work in contributing to the tour's success.
- CDOT was received warmly in communities – Durango, Pueblo and Colorado Springs.
- Honored to serve at CDOT with staff, and noted Colorado as an intoxicatingly beautiful state.
- CDOT is now making more data-driven decisions and has come a long way.
- A 33% reduction in snow plow incidents due to the good training program and leadership of staff.
- Public Service Recognition Award to Bryon Hayes honored with a Governor's lunch.
- Met with Principal Munoz and parents of Swansea Elementary School regarding the I-70 Central project; it was a good meeting.
- As out of town in training for next month's meeting, took time to recognize and thank Gary Reiff for his years of service on the Transportation Commission.

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

- Since last month and changes to HB 1242 and SB 267 have made progress on developing cost estimates and schedules for Program Development projects package for \$3.5 billion; process used is more consistent, with independent reviews, and lots of good lessons learned. Determining how to shorten the list further will be the next challenge.
- Received calls from other DOTs, asking with CDOT is doing terms of resiliency from Utah, and Nevada; opportunity to potentially discuss this at next National AASHTO Spring meeting in Maine, next week.
- I-70 Central workforce pilot for local hiring – have interest to support from non-profit agencies; exploring training opportunities for local folks in construction industry. Commissioner Peterson noted his strong support of this effort and thanked staff for working on this.

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

- Great news on long awaited word from USDOT, \$109 million in funding as a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for new toll lanes on C-470 was approved.
- Investor meetings are to follow; with close for loans and bonds to occur in June.
- This is a different model, where 75% of a project is financed versus using cash, HPTE and CDOT will continue exploring the benefits of this model.
- Feel optimistic of pricing for financing of I-25 South, and C-470 West.
- Commissioner Gilliland expressed appreciation to staff at HPTE for making this happen.
- The Executive Director was appreciative and also recognized Herman, Ron and Mickey for their work on this.
- The I-70 Central technical proposals are due on June 1, 2017 and the financial proposals are due on August 1, 2017.
- A team of evaluators will review the proposals, but will first the team members will receive training on how to proceed with evaluations prior to reviewing the proposals.
- Held a kick-off meeting with Division of Transit and Rail to address Bustang parking issues; HPTE can institute user fees at parking facilities; project will also assess all parking facilities CDOT owns and conduct a statewide assessment; the kick-off meeting was a good meeting. This is HPTE's first non-highway expansion/toll project.
- HPTE Board did not meet this month. Will meet next month, but the week after the TC workshops and regular meetings occur – on June 21<sup>st</sup>.

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

- The DOT has a new Transportation Secretary – Elaine Chao
- Focus areas for the new administration at USDOT will include:
  - Safety
  - Innovation
  - Regulation Reform
  - Infrastructure
- Colorado FHWA is in a good position to address all of these key areas.
- FHWA making plans for the next fiscal year – May 31<sup>st</sup> – June 1<sup>st</sup>

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

- STAC stresses the importance of close collaboration on Program Development list updates and subset lists; desires close consultation with Transportation Commission, STAC, and Transit and Rail Advisory Committee.
- In terms of establishment of safety performance targets related to serious injury and fatal crashes, the STAC is requesting more information on the supporting safety data, and how it relates to population and job growth in Colorado, and what it means for the future; need to consider all travel modes when assessing safety.
- Discussed the 5311 funding source and new selection criteria; STAC is concerned there is not enough money to go around, especially with new applicants coming on board; Need to consider how to address the needs of rural areas and critical trips to medical facilities, etc.
- Commission members were invited to attend the next STAC meeting, scheduled for tomorrow at CDOT; Commissioner Reiff noted many may be attending remotely via conference call.

#### **Act on Consent Agenda (Herman Stockinger) – Approved unanimously on May 18, 2017.**

- a. Resolution to approve regular meeting minutes of April 20, 2017 (Herman Stockinger)
- b. Resolution to approve Federal Freight Program Projects (Debra Perkins-Smith)

- c. Resolution to approve FY '17 Maintenance Projects between \$50,000-\$150,000 (Kyle Lester)
- d. Resolution to approve FY '18 Maintenance Projects between \$50,000-\$150,000 (Kyle Lester)
- e. Resolution to adopt 2017 Standard Specifications for Road and Bridge Construction "spec book" (Jerad Esquibel)

**Discuss and Act on the 11th Budget Supplement of FY 2016-17 (Michael Krochalis) – Approved unanimously on May 18, 2017.**

Revisions include:

1. Region 5: \$1,027,692 – *R5 Rio Grande and Chaffee County Signals*– **FASTER Safety and Signal Asset Management.**
2. Region 1:
  - \$18,300,000 – *22007 Denver IGA Commitments TBDP Project and 22008 Denver IGA Commitments TBDP Project Contingency* - **Senate Bill 228.**
  - \$42,200,000 – *22009 Denver IGA Commitments EADP Project*- **Senate Bill 228.** The Early Action Drainage Project (EADP) is the first phase of Denver's overall Two Basin Drainage Project (TBDP).
  - Central 70 - \$8,837,537 - *Reconstruct I-70 Adding Managed Lanes and Multi-Purpose Lanes* - **Senate Bill 228.** The Central 70 team will be adding funds to three different phases of this project.
  - \$3,200,000 – *I-25 & I-225 TREX Coping Panel Repairs* – **TCCRF** Staff is requesting a transfer from the *Transportation Commission Contingency Reserve Fund.*
  - \$427,350 – *EJMT Continuous Flow Metering (CFM)* – **FASTER Safety**
  - \$1,500,000 – *I-25/Arapahoe Road Interchange* – **RAMP Partnerships Contingency**  
Additional funds are needed for additional Right Of Way costs due to settlements for purchase of commercial business parcels and relocations as estimated under an independent Fair Market Value process.

**Discuss and Act on adopting the 2018-2021 STIP (Michael Krochalis) – Approved unanimously on May 18, 2017.**

**Discuss and Act on Right-of-Way Acquisition Approvals (Josh Laipply) – Approved unanimously on May 18, 2017.**

**Discuss and Act on Right-of-Way Condemnation Approvals (Josh Laipply) – Approved with 10 Commissioner votes of yes on May 18, 2017, with Commission Chair Reiff abstaining, due to not attending the workshop on May 17th.**

**Update on disposal of four CDOT properties that will be vacated as a result of new headquarters building and adoption of revised resolution (David Fox & Kathy Young) – Approved unanimously May 18, 2017.**

- Executive Director Bhatt explained that this covers all situations – if property is disposed as early as January 2018 for an agreed amount, CDOT will have a lease back option until April 2018 when the new HQ building is scheduled to be ready.

**Appointment of Nominating Committee for Transportation Commission Chair, Vice-Chair and Secretary for FY '18 (Chairman Reiff)**

- Commission Chair Reiff nominated the following Commissioners for the Nominating Committee:
  - Commissioner Connell as Committee Chair
  - Commissioner Scott

- Commissioner Thiebaut
- Commissioner Hofmeister