

**The Transportation Commission Workshops were Wednesday, December 12, 2018 and the regular meeting was Thursday, December 13, 2018. Both the workshops and the regular meeting took place at the Colorado Department of Transportation Headquarters at 2829 W. Howard Place, Denver, CO 80204.**

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Documents are posted at <http://www.coloradodot.info/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, December 12, 2018**

#### **1:30 pm to 5:00 pm**

**Attendance:** New Commissioner Jesus Pulido, along with other 10 Commissioners attended.

#### [Right of Way Workshop \(Josh Laipply\)](#)

**Purpose:** The purpose of the workshop was to discuss three right-of-way (ROW) acquisition projects (negotiations), and two projects for condemnation proceedings.

**Action:** Prepare to act on agreed upon proposed acquisitions and condemnations at the regular Commission meeting.

The three projects with requests for authorization of property acquisitions for December 2018 included:

- Region 1
  - I-70 Central, Project Code 19631
- Region 3
  - SH 64 Rangely Pedestrian Improvements, Project Code: 22411
- Region 4
  - I-25 north: SH 402 to SH 14, Project Code 21506

The two projects with requests for condemnation authorization requests for December 2018 included:

- Region 4
  - US 34 & US 36 Federal Lands Access Program (FLAP) Estes Park Couplet, Project Code: 20298 – Slaydon, Culp, and Minglewood LLC (Whyards)
  - SH 86 West Side of Elizabeth Int., Project Code: 20854

#### **Discussion:**

- No comments or concerns were raised for ROW acquisitions.
- For Condemnations:
  - Kathy Young of the Attorney General's office explained that CDOT has very broad authority for State Highway purposes – roadways and assets along ROW and within ROW needed for the road.
    - A previous case with the Colorado Supreme Court regarding a Park-n-Ride for transit asked if a condemnation is allowed. The Supreme Court expanded on this that anything needed for state highway purposes, or is integral to construction and improvement of state highway purposes.
  - Commissioner Gifford noted in a full taking of property for a 2005 case – the ruling broadly defined economic development, and the federal constitution does not limit the TC.
  - Commissioner Thiebaut requested copies of federal and state regulations and expressed concern regarding a broad interpretation of condemnation.
  - Determining a definition for a worthwhile project was raised by Commissioner Zink.
  - Commissioner Scott asked about the tests that apply to other states to determine public interest.

- Commissioner Gifford asked about whether engineering judgement is being trusted and why is the question regarding the project being worthwhile.
- Executive Director, Mike Lewis, explained that the CDOT decision for this project was not made in a vacuum. How we acquire highway right-of-way is based on the Relocation Act process. How we decide if and when to do a project is not on a whim, it is a process vetted through many levels, including NEPA or EAs on projects – property takings are evaluated then also. Evaluation of takings is built into federal and state system. For example the I-25 Gap project had its scope limited to avoid takings. TC has the opportunity to question staff.
- Commissioner Hofmeister requested Region 4 Transportation Director, Johnny Olson, to speak more on this project.
- Johnny Olson explained that the project reduces congestion and air quality impacts through Elk Horn, a part of Estes Park, and the project was accepted through the FLAP program. Floods in 2013 also hit Estes Park and a lot of work being done along the one way pair, includes bridges and drainage improvements. The Central Federal Lands is to program dollars, and funding is moved to 2022 until design is complete and ROW is acquired. During the 2013 floods these homes were all under water. CDOT will tier the property to help with drainage. Johnny confirmed that partial acquisitions are not feasible for this project. Offerings from CDOT to the owners for property acquisition was presented and discussed.
- A counter offer was received for Minglewood property, and owners met with CDOT on November 29. CDOT and landowners are still in the process of negotiation.
- Josh Laipply, CDOT Chief Engineer, noted that a log of the notifications and communications with property owners will be added to the TC packet for this month and in the future in an effort to inform TC of measures taken to communicate and notify property owners for condemnation requests.
- Mike Lewis expressed an understanding of the property owners' position. We care as if it were our property, but it is not just a whim for this project, this project results in a negative individual impact for the public good, and this is difficult. CDOT is respectful of property owners and only acquires property that is needed.
- Attorney for Minglewood of Alderman/Bernstein spoke, Steve Nagy stated that this is additional information only, the Whyards (Paul and Sally) and I are not here today to contest goals of project, or its public interest. The real concern is if the TC approves a condemnation proceeding when the potential exists for the funding to be turned down. Land owners are concerned that CDOT is not following the process outlined in the ROW manual, as vetting for whether funding is confirmed is still needed and the Environmental Assessment (EA) does not include Phase 2 – flooding. We are not arguing over engineering, but if the proper process is being followed. Whyards are requesting the TC to hold off on the condemnation proceedings until design and funding are confirmed. Mr. Nagy reiterated that traffic is a concern, flooding is a concern, and explained that he feels this is a premature project. The CFL hydrologic modeling is currently too premature to feed to public. Nagy requested CDOT to go through normal process where funding is secured, and then proceed.
- Kathy Young remarked that design for this project is at least 70% -Johnny Olson will talk more on that. The meeting on November 29<sup>th</sup> showed the Whyards the hydrologic information and answered their questions. The procedure and process that the TC approved in the ROW manual is the process that CDOT is following. Kathy also noted that the manual is guidance and is not regulatory.
- Johnny Olson told the group that design is anticipated to be at 95% in late February early March.
- Kathy Young summarized that the meeting with the Whyards was a good meeting, and that no partial takes will occur – all full takes are in the works.
- Steve Nagy noted that he heard the city can still turn down grant funds and plans are not completed; this is part of plans acquisition, and he expressed concerns about the condemnation process occurring too early. CDOT could potentially be seen as arbitrary and capricious.
- Commissioner Gifford asked if the TC could wait on approving the condemnation process.
- Josh Laipply said that we like to have ROW obtained before the 95% design goes to ad to hire a contractor. Both CFL and CDOT noted we need to do this now. Lead time is needed.

- Johnny Olson mentioned that ROW clearance is needed to secure funds – acquisition is one step and relocation takes more time beyond acquisition before the project could start construction. This parcel is really important for moving the project forward to program with CFL funds for 2021.
- Steve Nagy requested CDOT to consider if the project is premature as the decision for authorization of condemnation has consequences to client – If there is a potential for the project not to occur – public interest is not established. Requires NEPA process to finish and have funding secured – this project is a different sequence.
- It was explained that the funds for ROW are in hand now to pay for the acquisition, while other funds still to obtain are for construction.
- Commissioner Gilliland noted that delay is troublesome and a concern for the landowner too – The project was re-evaluated and the footprint won't change. Waiting will put CDOT in a delay for another season. It will not do much good to delay this project.
- Regarding SH 86 West Side of Elizabeth. – aligning an intersection for safety. Donald Nielsen property – Evaluation and offer dates overviewed – no response– owner suggested CDOT condemn the property.
- No questions raised by the TC. TC planned to take action on condemnations at the Regular TC December meeting.

### Rest Areas (Debra Perkins-Smith)

**Purpose:** This workshop was intended to build on the Rest Area information presented at the November Transportation Commission (TC) workshop, and present conceptual options for funding a sustainable Rest Area Asset Management Program.

**Action:** Take action on request for direction on the FY 2022-FY2023 Asset Management Budget Setting Workshop. Provide feedback on conceptual options for funding a sustainable Rest Area Program at CDOT.

**Management Structure:** CDOT is proposing that Rest Areas become a separate asset category under Property Management. This will allow Rest Areas a separate funding structure for the capital rehabilitation and modernization of Rest Area Facilities. Staff is also proposing to build a separate Rest Area Maintenance Program Area (MPA) into the overall Maintenance Level of Service (MLOS) program. Thereby, Rest Areas will also connect with the Maintenance Division with the creation of a Maintenance Program Area (MPA) dedicated just to the maintenance and operations of Rest Areas. Asset Management metrics and targets for the Rest Areas would be set by both Maintenance and Property Management, each in their respective areas of responsibility. As with all MPAs within the MLOS program, the Maintenance Superintendents are responsible for those maintenance targets. The overall Rest Area program would be managed by an Asset Manager from Property Management, who would also coordinate with Maintenance.

**Rest Area Tier System:** In line with best practices from other states, the Rest Area Study recommended that CDOT use a tiered system as follows:

- Tier 1 – Critically important to Co Rest Area System (6 total) – near state entrance and isolated locations (more than 60 miles away from facilities)
- Tier 2 – Standard (14 total)
- Tier 3 – Basic (6 total)

**Needs Analysis:** Using the funding assumptions built into the tier structure, it was concluded that a sustainable Rest Area Program would require \$2 million per year for maintenance. It was concluded that \$4 million per year for a catch-up period of six years is needed for capital rehabilitation. This adds up to a combined total of \$6 million per year for six years. At the end of the six-year period, all CDOT Rest Areas will have had a full capital rehabilitation. While it is anticipated maintenance costs will stay constant at \$2 million per year, capital costs

after the first six years would be re-evaluated as part of the asset management program planning and budgeting process.

Several Asset Management funding options were proposed for the TC to discuss including:

- Option 1 – Full Program; Capital Backlog funding in Year 1
- Option 2 – Full Program; Capital Backlog funding divided between Years 1 and 2
- Option 3 – Partial Deferred Asset Management Program; Capital Backlog funding divided between Years 1 and 2 and partial Asset Management funding in early years
- Option 4 – Deferred Asset Management Program; Capital Backlog funding in Year 1 only and Asset Management funding deferred

**Discussion:**

- Debra Perkins-Smith, CDOT Director of the Division of Transportation Development, noted that work on Rest Area performance metrics under maintenance program area are anticipated for next year.
- Marcella Broussard, from CDOT Property Management spoke on needs of the Rest Areas and noted that Hope Wright from Marcella's team would be the Rest Area Asset Manager. As the Rest Area Asset Manager, Hope would work closely with the Division of Highway Maintenance and staff from Kyle Lester's team.
  - Truck parking is another consideration for rest areas in terms of ingress and egress to the Rest Area site.
  - Marcella explained that the intent is to rank order Rest Areas during a March workshop.
- Deb explained the tiered system for Rest Areas based on use and function. (See three tiers listed above).
  - The process is to align maintenance and capital improvements to tiers.
  - Funding assumptions for tiers were explained for rehab/replacement and other Rest Area maintenance. The estimated cost is \$4 million for rehab and routine maintenance is \$2 million.
- A 2023 Budget setting workshop will determine if we can add \$6 million for planning to assets for Rest Areas. If Rest Areas don't have their own funding source, money would have to be taken from other asset funds.
- Commissioner Connell noted that the cost estimates have a broad range – what warrants a range of \$2-3 million? Pueblo rest area – \$2-3 million – why aren't numbers nailed down?
- It was explained that the range of dollars is used as the cost is not known at this point – design not completed at this point – evaluation of treatments going on now – potable water at Vail Pass for example – partial fixes not working, and the solution is not designed yet.
- Mike Goolsby, Region 3 Transportation Director, asked if innovative partnerships for funding were explored.
- Debra responded that other states have monetized assets – naming rights – we will explore this. However these funds would not cover the full cost of maintenance. We are also investigating if public/private partnership (P3) arrangements can be made through the High Performance Transportation Enterprise (HPTE). We are checking into this, but there are substantial immediate needs.
- Commissioner Hall confirmed that this a new process for Rest Areas, and the TC needs to determine if we will agree to designate Rest Areas as an asset category. And then do P3 or share/leverage funds with the Colorado Tourism Office (CTO). We have good partners with the US Forest Service (USFS) and cities. Parachute is one example.
- Commissioner Scott commented that this is similar to the life boat (10 people) and five crackers story. Are we adding bureaucracy to CDOT? Where will the money come from? Trucks are stopping along I-70 is an issue, and multiple elements of the transportation system are touched on by this question. Now we need to define problem. Should we start with an RFP? If allowable, dollars could buy passing lanes.
- Mike Lewis noted that the lifeboat parable, we recognize folks in boat, for example we don't have noise walls in assets yet either. First we need to approve it is an asset. Make rest areas more visible first.
- Commissioner Hofmeister recommended approaching the CTO, or regional or local tourism agencies for revenue first, as towns benefit from Rest Areas that prompt folks to stop in their town.

- Mike Lewis explained it is important first to agree to identify Rest Areas as an asset, and then solicit outside revenue.
- Debra mentioned that currently CDOT is working with CTO on Welcome Centers in CDOT ROW. One of reasons of concerns at Rest Areas is safety. We need to get a better handle on what we want to do before asking for money.
- Commissioner Hofmeister expressed concern over the time and budget needed for planning, he recommended to do a two-month study, and get something accomplished.
- Debra responded that we are not planning now but doing pre-development at this point. STAC discussion of Rest Areas was long.
- Commissioner Gulido said that he is hearing consensus of including Rest Areas as an asset class, but costs to maintain and upgrade them is the issue. We need to evaluate options for funding.
- Debra Perkins-Smith said that there are no formal decisions today, just ideas to consider.
- Commissioner Stuart asked if the TC selected Option 3 what would be the fiscal year impacted. If Option 3 is selected we would not specify the fiscal year. The fiscal year would be determined during the fiscal year 2023 Budget process?
- Debra explained that yes, we left out the fiscal year to provide flexibility on when we would start identifying Rest Area funds – now or in the future.
- Commissioner Hofmeister asked if we approve \$6 million for Rest Area planning, at what point does the money come back?
- Jeff Sudmeier, CDOT Chief Financial Officer, responded that the Planning Budget that DTD establishes for each asset starts in FY 2023. If no further action is taken by the TC now for rest areas, we start planning FY 2023 – Annual budget decision. FY 20 is coming back in February -2019 – TC has the option to begin an allocation for Rest Areas in FY 20 or 21 or 22. Other possibility is to tap into the TC Contingency Reserve Fund (TCCRF) for Rest Areas to cover the capital backlog.
- Commissioner Scott suggested asking HPTE to do feasibility study to turn Rest Areas into an enterprise. Early spending now for Rest Areas could preclude taking advantage of P3 opportunities.
- Mike Lewis noted that the Commissioner Scott comment was heard, we need to measure this even if no spending occurs now– Go to CTO and Office of Economic Development and International Trade OEDIT and find out if this is a state priority for them. We will find out from David Spector if there are other opportunities with HPTE. No dollar commitments take place now. We are proposing getting data for TC consideration.
- Commissioner Gilliland noted that the issue is that we have continued to push Rest Areas to backburner; I agree with Commissioner Hall regarding the Rest Areas’ providing an impression (currently negative in many instances) of Colorado. This is first step to get us there. Identify Rest Areas as an asset. It is our responsibility.
- Hofmeister asked about Burlington and Arriba Rest Areas that are not in CDOT ROW and if they can be commercialized.
- Johnny Olson responded that if Rest Areas are not acquired in CDOT ROW a P3 is possible.
- Commissioner Hofmeister suggested selling off Rest Areas to a private bidder,
- Josh Laipply explained that then CDOT would need to prove why this ROW is not needed in the future.
- Debra confirmed a TC membership head nod to make Rest Areas an asset, and pursue future coordination with the CTO and HPTE for funding options.

#### [Multimodal Option Fund \(Deb Perkins-Smith and David Krutsinger\)](#)

**Purpose:** The purpose of this workshop was to summarize and inform the TC of the requirements of Senate Bill (SB) 18-001 Multimodal Options Fund.

**Action:** Staff was seeking approval on the framework for consultation on the Multimodal Options Fund distribution per Senate Bill 18- 001. In November, the Transportation Commission Transit and Intermodal (T&I) Committee discussed this topic and recommended forwarding this action to the TC for approval.

The legislation mandates the distribution formula for the local portion be developed in consultation with the Transit and Rail Advisory Committee (TRAC), the Statewide Transportation Advisory Committee (STAC), transit advocacy organizations, and bicycle and pedestrian organizations. In addition to these groups, the legislation also states that the Multimodal Options Fund should promote a complete and integrated multimodal system that benefits seniors by making aging in place more feasible; benefits residents of rural areas by providing them with flexible public transportation services; provides enhanced mobility for persons with disabilities; and provides safe routes to school for children. Based on these tenets of the legislation, and feedback obtained from STAC and the Transportation Commission T&I Committee, staff is recommending: 1) A committee structure to be used to meet the consultation requirements; 2) the committee be named the Multimodal Options Fund Committee; and 3) the committee size be 7-9 members and include the following representatives:

1. STAC (Urban) – Required
2. STAC (Rural) – Required
3. TRAC - Required
4. CASTA (Transit Advocacy and Rural Public Transit) – Required
5. Bicycle Colorado (Bicycle Advocacy) – Required
6. WalkDenver (Walking Advocacy) – Required
7. Colorado Commission on Aging (Aging in Place)
8. Safe Routes to School Committee Representative (Safe Routes to School)
9. Colorado Advisory Council for People with Disabilities (Enhanced Mobility for Persons with Disabilities)

**Discussion:**

- Resolution to adopt the membership representation listed above to be requested tomorrow.
- Commissioner Gifford requested to have someone from the TC sit in on this committee – to hear priorities.
- Commissioners Hall, Stuart and Hofmeister expressed interest in attending these committee meetings.

[Transition Update \(Herman Stockinger\)](#)

**Purpose:** Discuss events regarding transition to Governor-elect Polis’ new administration, particularly as it relates to transportation.

**Action:** None- information only.

**Events**

November 6: Election Day: Congressman Polis elected Governor

November 9: Governor-Elect Polis launches Transition Committee and over the next several weeks names the following Transition Committees and member of the Transportation, Infrastructure and Local Affairs Committee:

- Transportation, Infrastructure & Local Affairs
  - Co-Chairs: CO House Speaker Crisanta Duran & Former CO House Minority Leader Sal Pace
  - Members: Rutt Bridges, Lynn Guissiger, Eva Henry, Jim Mantele, Eppie Martinez, Tim Mauck, Tony Milo, Bruce Nassau, Carla Perez, Dr. Florine Raitano, Fmr CO State Senator Chris Romer, and Kyle Zeppelin
  - Work Groups: CDOT, Broadband, Department of Local Affairs
- Economic Development & Labor
- Consumer Services
- Health & Human Services
- Energy, Natural Resources & Agriculture
- Education
- Public Safety, Military & Corrections

November 28: Transportation, Infrastructure & Local Affairs Committee meets to discuss process for selection of CDOT and DOLA executive directors and receives brief overview presentations from CDOT, DOLA, CCI and CML. Herman and David Krutsinger attended.

November 30: Transportation, Infrastructure & Local Affairs Committee conducts a Zoom-based telephone town hall to hear from the public on issues related to their committee. Gathered comments from call on needs of the Executive Director for CDOT and DOLA. Narrowed list down.

Week of December 3: Transportation, Infrastructure & Local Affairs Committee expects to narrow the candidate lists for CDOT and DOLA executive directors to 3-5 each before turning names over to Governor-elect Polis for consideration. This week Polis reviewing a refined list now.

Week of January 7: Transition Committees expected to provide an "Opportunities Report" to new administration for each area under their purview. Transition Committee Creating an opportunities report and make recommendations for CDOT and DOLA.

Aeronautics Division, David Ulane, attending a DEN meeting regarding transition too.

**Discussion:**

- Commissioner Gifford asked if the Opportunities Report would become public.
- Herman answered yes, as other similar type documents have been made public in the past.

[Mobility Choice \(Michael P. Lewis and Debra Perkins-Smith\)](#)

**Purpose:** This workshop was intended to provide the TC members with a summary of the Mobility Choice Blueprint.

**Action:** Informational Item.

The Mobility Choice Blueprint is a joint planning effort between the Colorado Department of Transportation (CDOT), Denver Regional Council of Governments (DRCOG), Regional Transportation District (RTD), and Mobility Choice (a non-profit initiative of the Denver Metro Area Chamber of Commerce) that seeks to establish a coordinated strategic direction for the evolving mobility of the Denver Metro related to walking, biking, driving, ride-hailing, and transit.

The Mobility Choice Blueprint set the following vision for the Denver metropolitan area:

"Our metropolitan region employs a full array of flexible technology and services to maximize access to mobility choices connecting people of all ages, incomes and abilities to jobs, recreation, healthcare, amenities and other daily activities, enhancing and protecting our quality of life now and in the future."

To work towards this vision, the partners identified the following Mission (or purpose) for the Mobility Choice Blueprint:

"The metropolitan agencies will collaborate, in partnership with community, nonprofit, and private sector leaders, to carefully consider a range of effective and efficient solutions to the challenges and opportunities presented by emerging mobility technologies. We will provide recommendations to encourage the most effective technologies and approaches, improving mobility to meet our long-term goals of enhanced quality of life and increased economic vitality across the metropolitan region."

The presentation shared a range of future scenarios and then the tactical actions needed to achieve the Region's desired future. The Blueprint recognizes that implementation of these tactical actions requires a partnership among agencies, local governments and the private sector. While the actions would require collaboration among all the partners, the unique knowledge, experience, and mission of the individual agencies will make them natural champions for specific actions. Many of these actions complement and enhance existing CDOT efforts.

## Discussion:

- Commissioner Gifford welcomed, previous CDOT Executive Director, Don Hunt.
- Mike Lewis noted that an organization of leading states in advancement of Technology called out Colorado for its work including Mobility Choice Blueprint. Mobility Choice is a partnership among – CDOT, Regional Transportation District (RTD), Denver Regional Council of Governments (DRCOG), Denver Metro Chamber that determined a vision, and this is not just about transportation it also closely aligns with quality of life, and the economy.
- Mike Lewis Introduced Don Hunt to speak about the Mobility Choice Blueprint project.
- Don Hunt noted that after he left CDOT as Executive Director, he recognized the importance to get CDOT, RTD and DRCOG working more closely and to also work more with private sector for mobility services; therefore, also partnering with the Denver Metro Chamber. The Mobility Choice Blueprint was an effort to determine how these entities can all work together. This was a four-year effort, to determine what is next.
- Mike Lewis commented that the Mobility Choice Blueprint Project is ending now (end of December 2018). We need to decide how to move forward, and the timing is good with the state leadership transition to occur in the New Year.
  - There are roughly 40 recommended action items to be carried out by agencies and private partners identified.
  - A Path to 2030 is a meaningful horizon.
  - Smart Cities are also working on things like this.
  - We need to take hold of technology and not let it take hold of us.
  - The project considered safety, mobility, air quality, and economic impacts in terms of costs with guiding technology proactively vs. letting technology take on its own life and agencies responding after the fact.
  - Recommended Actions are categorized as follows:
    - Regional Collaboration
    - Seamless Transportation (connected transportation – I-70 Mountain Corridor is an example – (long ways to go for signal coordination)
    - Shared Mobility – TNC, Transit and others
    - Data Security and Sharing– not sure how to solve – in terms of communications in real time to vehicles
    - Mobility Electrification
    - Driverless Vehicle Preparation
    - New Transportation Funding
- Don Hunt introduced Rick Pilgrim of HDR to present a sampling of the recommendations.
  - Thirty-four recommended actions are in the final report now due to combining and refining.
  - Recommendation Examples (with themes, tactic indicators, and additional participants identified for each)
    - Establish a Mobility Advisory Committee.
    - Establish P3 to pursue mobility tech implementation.
    - Develop a universal mobility app for trip planning and payment.
    - Implement curbside management standards.
    - Establish a regional mobility data platform – share with private sector.
    - Transition government fleets to zero-emission vehicles.
    - A cost and level of coordination chart- graph highlights each recommendation.
    - A digital public engagement process was held and identified personas/key audiences.
    - There is both national and global competition to attract folks to Colorado, e.g., San Francisco.
      - Tactic Initiators are identified for CDOT; a total of eleven, and include:
        - Establish a Technology Advisory Committee
        - Establish a New Entity to Pursue Technology Mobility Implementation
        - Support Legislative Efforts to Ensure that Automated Vehicles Operate Safely

- Develop Regional Guidelines for Drone Delivery and Drone Passenger Travel
  - Prepare for technology upgrades and interoperability in transportation construction projects
  - Implement Smart Corridor Operations on All Metro Area Highways
  - Coordinate Transportation System Management and Operations (Traffic Management Centers)
  - Pilot Connected Vehicle Technology on Mountain Corridors
  - Pilot Modular Lanes
  - Establish a Regional Mobility Data Platform
  - Establish an Aggressive, Agreed Upon Goal to Transition Government Fleets to Zero-Emission Vehicles
- o Commissioner Stuart asked about aeronautic technology – in Adams County we have the Colorado Spaceport Finding of No Significant Impact (FONSI) – is CDOT interacting with this group yet?
  - o Amy Ford responded no, but a tactical action for coordination maybe aeronautics. A small RFP is in progress for looking at the future air travel technology (including flying cars).
  - o Commissioner Scott said this is all very compelling and an enormous undertaking. What are the steps to success? We need to harness this with leadership of three agencies and boards and Commissions behind them – the missing link are the businesses – getting employees to work together with them being in competition with each other. Opportunity exists to find business leaders through Denver Metro Chamber.
  - o Commissioner Gifford strongly recommended TC members to read this document, as it is not long, only 70 pages. This work allows us to plan for things, when they don't work out, and be prepared for this. Planning is needed for the rapidly changing environment.
  - o Mostly pilots at first are recommended for implementation and not entire build outs of technology.
  - o Applying technology to capture immediate benefits is a potential step too.
  - o Commissioner Scott identified the need for a cultural change for this work. Getting the population to use and engage with the technology will require a behavioral change – how will we accomplish this?
  - o Don Hunt agreed that this behavioral change is the most difficult change to drive; but technology will be driven by the economics in approximately 10 years.
  - o Commissioner Gilliland was impressed with the plan, as so many facets were involved and considered. It puts the human element into this too. How to balance new technology with tried and true, and get the right collaborations to make things happen, and the shared and leveraged roles and responsibility concept is great.
  - o Commissioner Hall asked “Where do we go next? Who will pull this together?”
  - o Mike Lewis explained that Commissioner Hall’s question is the perfect segway to initiate the discussion for MobilityNEXT. The plan is not prescriptive, and not a budget request. The technology future will either happen to us, or we can guide technology. CDOT has a history of road focus– with technology it matters to transportation how technology will be used – if jurisdictions A and B aren't interoperable the technology won't work. If we aren't on the same page with new technology, we won't get best economy or use of technology. MobilityNEXT is proposing to create an environment for all impacted parties to work together on this. The next workshop topic is MobilityNEXT, which is how to move forward.

#### [MobilityNEXT \(Michael P. Lewis and Amy Ford\)](#)

**Purpose:** Provide update on MobilityNEXT, a continuation of our partnership with the other public agencies involved with Mobility Choice, setting the stage on how we collaborate to implement Advanced Mobility solutions. Also provide background and a forum to have a larger policy discussion regarding advanced mobility and CDOT's strategic investments.

**Action: None**

Over the last few months, and as we announced at the Transportation Summit, we have been exploring the potential of a new mobility partnership with our government partners including Denver International Airport (DEN), City and County of Denver, RTD, CDOT, E470, DRCOG, as well as private sector partners, large companies, start-ups and others.

The MobilityNEXT concept is an opportunity to band together to make Colorado a smart mobility “do-lab” and not a “test-lab”, helping to move Colorado forward. MobilityNEXT would be the first of its kind statewide collaborative do-lab for public and private entities to collaborate, train and execute scalable and deployable projects. The lab would be based in DEN building at Pena Station NEXT, with potential of having staff from all organizations co-located to solve mobility challenges.

CDOT has signed a non-binding letter of intent (LOI) and is continuing discussions with other public agencies to explore our involvement and the details of the partnerships.

**Discussion:**

- Mike Lewis introduced Jim Doyle the MobilityNEXT initiative leader.
- Mobility is how people move, and mobility crosscuts between agencies and users of mobility.
- MobilityNext is an approach to implementing the Mobility Choice Blueprint Vision, which is - *A partnership of public and private organizations focused on changing how we move – and making the Denver metro area a better place to work and live.*
- MobilityNEXT believes the key to overcoming the limited funding challenge for mobility technology is to accelerate the adoption of advanced technologies – this initiative launched in September 2018 as a result of the Mobility Choice Blueprint project.
- Private Sector is the provider of the mobility technology.
- Jim Doyle was at President Panasonic and recently left to lead the MobilityNEXT initiative.
  - Mission statement
    - Connecting Public and Private entities with key public agencies and municipalities, and insurance companies
  - Statewide environment for collaboration
  - Quickly testing and scaling technologies –the key word is quick
  - The challenge is limited funding
  - What we do well – coordinate private and technology advances.
  - Bring entities together – public agencies and municipalities – Colorado Smart Cities Alliance get them participating; agencies are the top of pyramid.
    - P3 Startups – public, startups, large commercial
  - Co-location is key for collaboration to be effective – and make ultimate use of scheduling and time.
  - Integrated and scaling of technology with existing technology to get things going and save costs. Entities are feeders and not competitors.
  - Pillars reflect the core missions of agencies – automotive, aviation, mass transit, logistics, future
  - Programs considered include: mobile payments, traveler security, insurance, data analytics, financing models, vehicle electrification, and intermodal optimization.
  - Core Services to identify public-side challenges, commercial-side challenges, mashups, deployment coordination, facility management services, and concentrator event management.
  - Ancillary services impacted include: legal, solution design, service design, facilitation services, business case/financial analysis, Event planning, Investment advisory services, and back office administration.
  - MobilityNEXT mission statement: *To provide the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods, and information.*

- MobilityNEXT facility is a state-of-the-art facility design from the ground up to drive collaboration between public and commercial entities.
- High level benefits to agencies – scale economies, real collaboration, exposure and insight, speed, employee development. OEDIT benefits could result to attract businesses.
- Will be a non-profit entity with User advisory committees at Pena Station: DEN agreed to build a building for MobilityNext – leveraging other elements.
- Timelines – a virtual launch is planned for next summer as the building won't be finished with construction. MobilityNEXT will start sooner at DRCOG and other available space within an agency. Will use temporary facilities until DEN developed facility opens in 2021.
- Mike Lewis explained that we need to understand what this is and what it is not. It is existing staff working and thinking about new ideas, placed in environment near other agencies. Curbside utilization is an example – Uber and Lyft taking curbsides over. How do we get value out of this? What is the escape hatch for this initiative?
- Commissioner Connell stated that this is awesome, but I don't understand the financial ramifications.
- Amy Ford answered that we will come back with more information on this and costs for participation for CDOT. We will be presenting a package in next couple of months. Speed of initiative is not to supersede conducting a cost analysis.
- Commissioner Stuart asked who is funding Mobility Next now. Jim Doyle responded that Panasonic is funding right now. Other investors have been turned down. Panasonic has paid a small amount for starting this program and the rest of the current expenses Jim Doyle is covering.
- Commissioner Gifford stressed the importance of collaboration and the need for co-location in order to be effective.
- MobilityNEXT will be formed as a non-profit. Agencies should be at the top.
- Commissioner Pulido thought bringing in the universities is a good idea. We have to look at benefits and costs. We are acting as enablers – enabling a better use of existing infrastructure.
- Commissioner Scott wants some early wins, as this is a very expansive vision. We need to build credibility quickly.
- There are almost 40 potential partners identified to participate in this initiative including public/non-profit, large commercial, startups, and other key supporters.
- CDOT will most likely be a key partner of MobilityNEXT.
- Jim Doyle explained that they are looking for small wins under each pillar and for two companies for each. Jim also identified this initiative as a risk, and that is why an escape hatch is needed.
- Mike Lewis explained that this concept is only informational at this point.

### Technology Discussion (Amy Ford)

**Purpose:** Provide update on MobilityNEXT a continuation of our partnership with the other public agencies involved with Mobility Choice, setting the stage on how we collaborate to implement advanced mobility solutions. Provide background and a forum to have a larger policy discussion regarding advanced mobility and CDOT's strategic investments

**Action:** None.

CDOT is considered a national leader with its strategic, innovative, and programmatic approach to building the digital infrastructure of the future to support connected and automated mobility. It is also leading in the focus on what's next in sustainable mobility, including electrification, mobility on demand and new infrastructures and technologies. This discussion is how to balance these strategic investments in building tomorrow's infrastructure with the needs of today.

**Discussion:**

- CDOT is a recipient of two Better Utilizing Investments to Leverage Development (BUILD) Grants one is \$20 million for I-25 North and another is \$20 million for the Internet of the Road (IoR) project.
- CDOT plans to be building 500 miles of IoR.

- CDOT sees an electrification future and solar generation in its ROW
- Commissioner Pulido asked if there are any documented successes elsewhere at other DOTs.
  - Amy Ford responded that CDOT's advanced mobility investments and concepts are built on Utah's and Michigan's work in fiber and broadband. Oregon is ahead in electrification and solar generation technology, but is behind on fiber compared to CDOT.
- Commissioner Connell expressed concerns over CDOT having less money, and COTRIP has issues. There will be less smart infrastructure for rural Colorado. Keep this in the back of our minds and keep in mind the reality of existing unmet needs. However, Commissioner Connell supports this effort too.
- Ryan Rice, CDOT Mobility and Operations Director, explained the foundation infrastructure category there is only \$3 million for fiber, but there has been \$36 million in rural areas spent by private entities.
- Commissioner Hofmeister reminded TC members that the focus of TC should be statewide and Mobility Choice Blueprint is urban centric/Denver Metro focused. We have the good of the statewide system to consider. MobilityNEXT is also Denver Metro –based and not statewide based.
- Mike Lewis responded that yes the Metro Area is the focus of Mobility Choice Blueprint; however, there are advancements repeatable elsewhere. MobilityNEXT is not as much urban focused. There is opportunity beyond the Metro area.
- Commissioner Hofmeister spoke of commercializing Rest Areas is down played, but noted it appears it is okay for solar. Get evenly robust for solutions to get state money.
- Amy Ford noted that solarization is a partnership with the utilities. Conversations still need to occur to determine if this can happen. We can't charge for parking at CDOT Park-n-Rides due to federal restrictions because federal dollars are being used to pay for them.
- Commissioner Scott asked the about the next Governor's agenda, from what is known of the transition team – do they support this?
- Mike Lewis noted the leadership transition is why it is important to have this discussion now and give this thought, before the transition takes place.
- Ryan Rice noted that a Statewide Smart Mobility plan is underway, that will cover both urban and rural areas of the state.
- Commissioner Peterson mentioned that CDOT is positioning for transition. The discussions today are very important, and these thoughts will carry forward. The concept is for TC to serve as a resource to the new leadership vs. being a reactionary body.
- Commissioner Gilliland concurred with Commissioner Peterson's sentiments.

## **Transportation Commission Regular Meeting Thursday, December 13, 2018, 9:30 am – 11:30 am**

Public Comments - Tom Peterson – Colorado Asphalt Association gave out calendars. Wished TC Merry Christmas and Happy Holidays.

**Call to Order, Roll Call:** All 11 Commissioners attended. New District 3 Commissioner, Jesus Pulido, was sworn into the TC by Herman Stockinger.

### **Comments of Individual Commissioners**

- All the Commissioners recognized:
  - The upcoming holidays and wished attendees Happy Holidays and Merry Christmas,
  - Welcomed Commissioner Pulido to the TC.
  - Recognized Mike Lewis for his service and contributions to CDOT as Executive Director
- Various meetings were mentioned that TC members attended – Colorado Asphalt Pavement Association, Legislative Budget Committee, Steamboat Springs, and others.

### **Executive Director's Report (Michael P. Lewis)**

- CDOT was very successful and Colorado was awarded three USDOT BUILD Grants that were announced in December 2018 – three in total for approximately \$47 million:
  - South Midland Avenue Reconstruction & Rural Broadband Project, Colorado Springs, \$7,007,562
  - Colorado's V2X Technology Safety and Mobility Improvement Project, CDOT, \$20,000,000
  - North Interstate 25 Phase 2, CDOT, \$20,000,000

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

- Welcomed Commissioner Pulido.
- Two BUILD grants were awarded to CDOT this year - \$144 million of federal grants were tallied at CDOT from last year, a testament of the work of Mike Lewis' leadership.
- A Few years ago TC meeting conversations were more difficult; great to see TC all working together. Although there are tough decisions to be made, Commissioners remain respectful to one another. Mike Lewis played a large role in this change.
- Josh recognized Mike Lewis for his service and noted Mike was a pleasure to work with.

### **High Performance Transportation Enterprise (HPTE) Report (David Spector)**

- This month the HPTE Board took off – no meeting.
- HTPE held the second stakeholder workshop for the Managed Lane Master Plan, and Commissioner Gilliland attended.
- HPTE are not the only ones looking at a statewide plan for managed lanes. At an American Road and Transportation Builders Association (ARBTa) meeting the group expressed interest; Connecticut DOT is looking to toll their entire system (interstates and state highways). Their new governor supports this.
- Andy Karsian, and Aaron Greco of the CDOT Office of Policy and Government Relations gave a presentation on the US 36 corridor operations program and compare it to other express toll lanes to the designated Speaker of the House of Representatives to inform/educate her and the State House of Representatives on this topic; we are continuing our outreach to state legislators.

### **FHWA Colorado Division Administrator's Report (John Cater, Division Administrator)**

- Still challenged with safety, as we are losing 50 people every month at this point in Colorado, we are making progress toward lowering the number of crashes, but numbers are still too high.
- Appreciated the Resiliency Policy adoption, it is the first in the country of its kind, and CDOT is now working on a Procedural Directive through the Resiliency Working Group formed.
- Colorado has been awarded grants– three BUILD grants came in last week for \$47 million. Colorado generally receives 1.4% of federal funding and received 3% of BUILD grants. This is a credit to the work put in on the applications, going above and beyond. Hats off to Herman and CDOT Staff. The BUILD grant awards were for:
  - Interstate 25 North
  - Internet of the Roadway
  - Municipal project in Colorado Springs
- Other grant (bridge) opportunities in the works and we anticipate that we will hear results in spring 2019. There are submittals from Colorado, with national funds of \$225 million, and applications that total \$730 million submitted. Colorado should have a good chance to be selected for a grant award.
- For the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) grant, Colorado has a great chance of being awarded as the Southern Ute Indian Tribe (SUIT) is a partner in the application, which is a unique component of the application compared to other states.
- Federal Lands Access Program (FLAP) grant program (\$260 million nationally in 2018) for projects providing access to federal lands. FHWA, Central Federal Lands, Federal Land Management Agencies

(FLMA), and CDOT are all in partnership for this spring to apply for more grant money. We are anticipating more success to come.

#### **STAC Report (STAC Chair, Debra Perkins-Smith spoke on behalf of STAC Vice-Chair, Sean Conway)**

- Bentley Henderson was selected to represent the STAC for FLAP grant applications.
- The 2045 TC Statewide Transportation Plan (SWP) Committee kicked-off the SWP.
- A Smart Mobility Plan is being developed focused on using technology to solve mobility in rural TPRs; several meetings occurred with rural TPR representatives, and the rural TPR reps also reviewed the proposed smart mobility solutions.
- Rest Areas – STAC is pleased the TC agreed to move forward with adding rest areas to the list of assets.
- Recently the Colorado Air Quality Commission announced that they will continue enforcing federal CAFE standards although the federal executive order rolled back the standards (pending D.C. Circuit Court decision).

#### **Sean Conway, STAC Vice-Chair Comments:**

- Sean Conway recognized Mike Lewis for his service to CDOT as executive director
- Rest Areas were an issue, and are extremely important to Transportation Planning Regions and along interstates; STAC appreciates CDOT staff and the TC addressing this issue.
- North Front Range MPO is thrilled with grant win from BUILD and thanked TC for the work to support this. Recognized Herman Stockinger, and TC members for their service and wished them happy holidays.
- Commissioner Connell commented that she is thrilled with the work STAC is doing.
- Sean expressed the good relationship that has formed between STAC and TC Recognized the Commissioners attending TPR meetings.
- Commissioner Hall expressed her appreciation of STAC comments; TC feels STAC is a huge part of what the TC does. Appreciate STAC input, and it was important to reference STAC input during Proposition 110 promotion, and convey this was a joint effort.
- Sean expressed appreciation for the TC and Commissioner Hall's comments.

#### **Act on Consent Agenda – Passed unanimously on December 13, 2018.**

- Resolution to Approve the Regular Meeting Minutes of November 15, 2018 (Herman Stockinger)
- Disposal: Lowell Ponds State Wildlife Area (Parcel L-64EX)(Paul Jesaitis)
- Disposal/Exchange: US 160 Wilson Gulch roundabout (Parcel AC-10A Rev.3) (Mike McVaugh)
- Resolution to approve ROW Acquisition Requests (Josh Laipply)

#### **Discuss and Act on ROW Condemnation Authorization Requests (Josh Laipply) – Passed unanimously on December 13, 2018 via separate votes for each condemnation authorization project:**

- US 34 & US 36 – FLAP Estes Park Couplet – Project Code 20298.
- SH 86 West Slide of Elizabeth Int., Project Code 20854
- Stephen Nagy, Attorney for Minglewood LLC spoke on behalf of owners of Minglewood LLC, Paul and Sally Whyard, regarding the Estes Park Couplet project, who also attended but did not comment.
- Steve Nagy argued that authorization for condemn is premature and suffers defects. Under American the public interest is to be evaluated. For now Mr. Nagy is requesting to defer this authorization to move with condemnation proceedings, as all funding sources for this project are not confirmed.
- It was explained that funding for condemnation and right-of-way (ROW) acquisitions are confirmed and ROW is normally obtained before the project fully funded and constructed.
- Commissioner Hall requested to add history of CDOT contact history with land owners to the TC packet.
- Kathy Young agreed that this information will be part of future ROW packets that go to TC.

Discuss and Act on Resolution to Approve C-470 Project Change Order (Kathy Young) – Passed on December 13, 2018 – nine (9) to two (2).

- Commissioner Pulido asked if contractor has agreed to the amount.
- Josh Laipply answered yes, but the paperwork has not yet been signed. The paperwork will be executed after TC adoption.
- Commissioners Thiebaut and Hofmeister voted no.
- Several Commissioners noted the need for an “after action” [today] analysis of change orders, and requested a future workshop on the subject to discuss a process.

Discuss and Act on 6th Budget Supplement of FY 2019 (Jeff Sudmeier) – Passed on December 13, 2018 - Nine (9) to Two (2).

- Commissioner Thiebaut expressed concerns regarding TCCRF expenditures related to this for C-470 – and supports spending money elsewhere.
- Commissioners Thiebaut and Hofmeister voted no.

Discuss and Act on Resolution to Approve the Multimodal Option Fund Committee (Deb Perkins-Smith and David Krutsinger) – Passed unanimously on December 13, 2018.

**Recognitions:**

Mike Lewis announced and bestowed awards for the following:

- CDOT Division Cup went to the Office of Human Resources, Susan Rafferty and team.
  - Susan and her team made a concerted effort to see what could be done for front-line employees who work on the roads; we made changes in compensation and recognitions. With the work and support of Susan, Kyle Lester, of the Division of Highway Maintenance, and CDOT Engineering Regions, the compensation revision happened.
- CDOT Executive Directors Cup – Region 2 –Karen Rowe won the award last year – Reading over the Region Report regarding each Region’s accomplishments is very impressive; what each Region does is heroic. The Region Reports tell the story.
  - Region 1, Paul Jesaitis, and Region 2, Karen Rowe, did great work with GAP project and other accomplishments.
  - Region 3 Mike Goolsby stepped and has done excellent job over last six months, and team’s work on the Grand Avenue Bridge was a huge success.
  - Region 5 – Mike McVaugh and team dealt with tragedies working through death of an employee, fires and floods – successful with grants with both a great and difficult year.
  - Region 4 – 2013 Floods – Continuing the program work for floods and deliver improvements with successful opening of US 34 this year. Bridge over I-70 emergency. Award lots of projects beyond flood restoration efforts. Region 4 was awarded the Executive Directors Cup.
    - Johnny Olson requested TC members to read the Region reports, which are all very impressive. CDOT Staff will make them available to the TC.
- CDOT was recognized last week for providing local community employment opportunities, via a program led by Kyle Lester, who proposed the concept and brought parolees to the CDOT maintenance work force. Over 200 parolees are enrolled in this program, giving parolees a sense of pride of purpose. At a presentation held a week ago on this topic, one enrollee in the program had served over 30 years in prison, and spoke of how opportunities for work and re-entry into society are so important. Mike presented Kyle with a leadership coin in recognition of Kyle’s work on this important and inspiring program.
- In terms of the CDOT transition of Leadership, Mike Lewis provided comments and noted that CDOT will continue to do good work regardless of what happens next year. TC is professionally engaged and respectfully raises question. Mike recognized Herman Stockinger for Herman’s contributions while serving the role of deputy executive director, along with his role as the Director of Policy and Government Relations. Herman is a key resource for existing and future leadership.
- Commissioner Connell recognized Mike Lewis, and Mike received a standing ovation.

- Commissioner Scott also recognized CDOT Staff and other TC members for their hard work and professionalism.

## **Colorado Transportation Commission Special Meeting Minutes December 20, 2018**

PRESENT: Shannon Gifford, Chair, District 1  
Jesus Pulido, District 3  
Karen Stuart, District 4 Kathy  
Gilliland, District 5 Kathy Connell,  
District 6 Kathy Hall, District 7  
Sidny Zink, Chair, District 8  
Steven Hofmeister, District 11

EXCUSED: William Thiebaut, Vice-Chair, District 10  
Ed Peterson, District 2  
Rocky Scott, District 9

ALSO PRESENT: Michael Lewis, Executive Director  
Josh Laipply, Chief Engineer  
David Spector, HPTE Director  
Keith Stefanik, Central 70 Project Director  
Herman Stockinger, Government Relations Director  
Kathy Young, Chief Transportation Counsel

AND: Other staff members, organization representatives, and the public

**The Transportation Commission Special Meeting was held on Thursday, December 20, 2018 from 4:00 pm to 4:30 pm. The special meeting took place at the Colorado Department of Transportation Headquarters at 2829 W. Howard Place, Denver, CO 80204, and by phone.**

Documents are posted at <http://www.coloradodot.info/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.

**Call to Order, Roll Call:** Eight Commissioners attended either in person or by phone.

**Audience Participation:** No members of the audience spoke during audience participation.

### **Briefing Regarding Central 70 Lawsuit Settlement**

- Keith Stefanik described the day as a great one for the project and the state. Staff is here to discuss the proposed settlement agreement between between Petitioners Sierra Club, Elyria and Swansea Neighborhood Association, Chaffee Park Neighborhood Association, and Colorado Latino Forum (individually, "Petitioner" and collectively, "Petitioners") and Defendants-Intervenors the Colorado Department of Transportation and Michael P. Lewis (together, "CDOT"). Mr. Stefanik stated the settlement was a lot of work, and staff is very excited at the conclusion of the settlement agreement, which showed a lot of good faith on both sides. Mr. Stefanik then turned it over to John Putnam to describe the Settlement.
- Mr. Putnam summarized the settlement, briefing describing the following elements:
- *Community Health Study:*
  - The Settlement Agreement provides for a new Community Health Study that would provide a data-driven assessment of the potential causes of the disparate health outcomes in Globeville,

Elyria and Swansea neighborhoods, including but not limited to those disparate health outcomes identified in the 2014 Assessment. The new study would consider a full range of possible significant causes of these disparate health outcomes. An objective of the Community Health Study will be to provide best estimates, as scientifically warranted, of the extent to which these possible significant causes contribute to the adverse health outcomes in Globeville, Elyria and Swansea. The Community Health Study will not separately analyze the specific effects of the Project, but will consider the effects of pollutants, noise and vehicle and rail traffic as part of the overall range of possible significant causes of current and expected future adverse health outcomes.

- Petitioners and CDOT will create a steering committee (the “Steering Committee”) which will consist of four representatives: one person designated by CDPHE; one person designated by the City and County of Denver; one person designated by Petitioners; and a nationally recognized and independent expert in the field of public health to be chosen by unanimous vote of the above three representatives (“Independent Steering Committee Member”).
- CDOT will contribute up to the amount of \$550,000.00 for the Community Health Study to cover the cost of the Expert and up to the amount of \$25,000.00 to cover the cost of the Independent Steering Committee Member. If other sources of funding dedicated to the Community Health Study become available from sources other than CDOT, their use shall be guided pursuant to the MOU.
- *Air Monitoring*
  - CDOT will require Kiewit Meridiam Partners (“Developer”) to provide four PM-10 monitors (the “Monitors”) during the construction period of the Project in locations to reflect the PM-10 concentrations in the vicinity of the greatest degree of PM-10 generating activity during various phases of the Project. The Monitors will provide continuous recording of data and alerts to CDOT regarding PM-10 concentrations. CDOT will require the Developer to provide for each monitor the hourly concentration for the most recent hour on a publicly accessible project website (that is in both English and Spanish) on an hourly basis.
- *Landscaping*
  - CDOT will require the Developer to work with Denver to provide tree plantings and long-term maintenance within appropriate right of way locations along 46th Avenue between York Street and Steele Street/Vasquez Boulevard, and will require that the Developer provide appropriate vine or other plantings on community-facing sides of permanent noise walls, except for those areas already programmed for community art. Within ninety (90) days after the effective date of the Settlement Agreement, CDOT will provide to a qualified governmental entity or nonprofit organization identified by Petitioners and acceptable to CDOT the amount of \$25,000.00 to fund the acquisition and planting of trees to be planted throughout Elyria, Swansea and Globeville.
- Commissioner Hall asked for clarification on the \$25,000 contribution. Mr. Putnam explained both the \$25,000 contribution for the landscaping, as well as the \$25,000 for the independent panel member for the health study.
- Commissioner Zink asked who would pay for the developers hourly reporting. Mr. Stefanik answered that the costs are built into the existing KMP contract with no additional funds.
- Commissioner Pulido asked for clarification regarding a letter from the Sierra Club that stated they would work with CDOT on communications with the public, etc. The Commissioner asked whether

there was any commitment from the Sierra Club related to their members. Mr. Putnam responded that the Sierra Club does not believe it is possible to bind their members, and their members were not part of the litigation. Therefore, the limits are related to the Sierra Club organization and not their members.

**Discuss and Act on Resolution to Approve Central 70 Lawsuit Settlement-** Chairwoman Gifford entertained a motion, and Commissioner Gilliland moved approval of the settlement, and Commissioner Hofmeister seconded the motion. The motion passed unanimously with seven "Aye" votes.

**Adjournment:** Chairwoman Gifford adjourned the meeting at approximately 4:30 pm.