

**Resolution Number TC-1774**

BE IT HEREBY RESOLVED, the Transportation Commission's Special & Regular Meeting Minutes of September 16 & 17, 2009 are hereby approved as published in the official agenda.

**Transportation Commission of Colorado  
Regular Meeting Minutes  
September 17, 2009**

Chairwoman Kim Killin convened the meeting at 9:36 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE:

Kimbra L. Killin, Vice Chairwoman, District 11  
Les Gruen, District 9  
Michael Cheroutes, District 1  
Jeanne Erickson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
George Krawzoff, District 6  
Doug Aden, District 7  
Steve Parker, District 8  
Gilbert Ortiz, Sr., District 10  
Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Bill Kaufman, District 5

ALSO PRESENT: Executive Director Russ George  
Peggy Catlin, Deputy Executive Director  
Pam Hutton, Chief Engineer  
Jennifer Finch, Transportation Development Director  
Casey Tighe, Audit Division Director  
Rick Gabel, Staff Services Director  
Tony DeVito, Region 1 Transportation Director  
Tim Harris, Region 2 Transportation Director  
Richard Reynolds, Region 5 Transportation Director  
Randy Jensen, Region 6 Transportation Director  
Travis Vallin, Aviation Director  
Herman Stockinger, Government Relations Director  
Debra Gallegos, Center for Equal Opportunity Director  
Ben Stein, Financial and Budget Manager  
Dalia Hargrave, Commission Analyst/Liaison  
Joe Elsen, Professional Engineer III

Harry Morrow, Chief Transportation Counsel  
Doug Bennett, Federal Highway Administration  
Vince Rogalski, Statewide Transportation Advisory  
Committee (STAC) Chairman  
AND: Other staff members, organization representatives,  
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

### **Audience Participation**

United Power representative Bill Meier presented CDOT with a refund check for \$6,918.00. United Power is a non-profit electric cooperative. Each year United Power allocates a certain amount of revenue back to their customers.

Citizens Against Railroad Relocation (CARR) representative Scott Ravenkamp addressed the Commission. Mr. Ravenkamp informed the Commission that CARR is interested in the upcoming RMRA study and the results. He also expressed an interest in the Eastern Economic study. Mr. Ravenkamp provided a list of concerns and invited the Commissioners to call him on his cell phone, 719-740-0705. He also referred to CARR's website for additional contact information: [www.cocarr.homestead.com](http://www.cocarr.homestead.com).

### **Individual Commissioner Comments**

Commissioner Cheroutes thanked CDOT staff and the Commissioners for making his transition smooth, warm, and comfortable.

Commissioner Reiff also thanked staff and his fellow Commissioners for making his transition very welcoming. Mr. Reiff thanked Senator Williams for attending the meeting and for supporting transportation over the years.

Commissioner Erikson stated she is excited about the first Transit & Rail Committee meeting taking place after the Commission meeting. Commissioner Erikson attended the CASTA meeting in Snowmass, Colorado along with Executive Director Russell George. Commissioner Erickson reported that the CASTA meeting went very well.

Commissioner Parker attended several county meetings. Commissioner Parker also attended the Club Twenty meeting in Grand Junction, Colorado.

Commissioner Aden reported that he attended the TLRC meeting and the Club Twenty meeting recently. Commissioner Aden presented to the executive

committee about ARRA funding, status of the 7<sup>th</sup> Pot, and other transportation-related issues. Commissioner Aden travelled through Utah and was amazed at the amount of construction projects along Highway 6 and other projects in the Salt Lake area. Commissioner Aden was impressed by what can be accomplished when there is political consensus.

Commissioner Krawzoff attended the CASTA conference. He thanked CDOT staff and Executive Director Russell George for the great job they did at the conference. Commissioner Krawzoff thanked Aviation Director Travis Vallin for his contribution on the multi-alteration project. Commissioner Krawzoff expressed his thanks for the many ARRA projects going on throughout Colorado. Commissioner Krawzoff thanked CDOT's government relations liaison for setting up a meeting with a TPR in Steamboat Springs.

Commissioner Gruen had no comment.

Commissioner Barry is expressed her excitement for the US 36 TIGER grants that were submitted. Ms. Barry thanked CDOT staff for their work on moving the process forward. She also acknowledged the US 36 Mayor's Coalition staff for their efforts.

Commissioner Killin thanked CDOT staff for getting the TIGER grants completed and submitted. She also acknowledged Aviation Director Travis Vallin.

### **Executive Director Report**

Executive Director Russell George attended the Metro Mayors meeting. He presented a status on projects. Mr. George also attended a groundbreaking ceremony for the fleet maintenance facility site in Summit County. Mr. George testified at the Long-term Fiscal Stability Commission meeting. He also attended the AASHTO AGCARTBA Joint Committee meeting.

Mr. George was present for the National Scenic Byways convention in Colorado. Mr. George attended the CASTA conference where he received the Captain of the Ship award. Mr. George was invited by the president of AASHTO to participate in a high-level conversation to see if there are ways to advance the sustainability of transportation across the country. Mr. George mentioned that on September 18, 2009, the Governor is hosting three U.S. Secretaries to discuss sustainability and livability in Colorado. Mr. George was invited to participate in the discussion.

### **Chief Engineer Report**

Chief Engineer Pam Hutton presented a monthly update on ARRA as it relates to job creation, highway projects, ARRA FTA progress, bid savings, reporting requirements, and non-ARRA construction programs.

For August, the job creation continues to increase. There were 1,827 people employed. This includes CDOT, local agencies, contractors, and consultants for a total of 109,046 hours and a payroll amount of \$2,651,737 million. Cumulative totals to date include 3512 people working 195, 000 hours, and \$4.7 million.

As of September 14, there are 92 projects identified between CDOT and local agencies. Seventy-five of those projects are worth \$290 million, which is 75 percent of our allocation. Sixty-six projects have been advertised and 63 bids have been opened and 49 contracts have been awarded with 14 pending. There have been 37 notices to proceed.

The construction update includes 27 projects under construction, 3 construction projects completed and \$28 million expended. The FTA progress includes \$10.3 million of the \$12.5 million obligated and under construction on Summit County Fleet Maintenance Facility. CDOT is working with locals to determine the best use of \$1.2 million allowed for operation. The remainder can be used for capital purchases, but CDOT is waiting to hear back from FTA regarding the operating portion.

Ms. Hutton will ask the Commission act on a resolution for bid savings plan projects. To date, there is a total of \$36 million of savings.

There has been extensive collaboration between CDOT staff, FHWA, OSC, OIT, and the Governor's Office to accumulate, review and format data for reports due to various agencies. The final upload to Recovery.gov will occur on October 22.

Ms. Hutton presented information on non-ARRA construction to include year-to-date information. To date there has been 139 contracts advertised, 125 contracts worth \$333 million awarded. There are four projects currently being advertised and five that are pending award.

Ms. Hutton informed the Commission that the industry magazine *Road & Bridges* featured an article highlighting the work done in Region 2's 4<sup>th</sup> Street Bridge.

Ms. Hutton acknowledged Terry Roop and Nicki Upright for their great work in raising money through the non-profit organization Helping Hands. This organization raises money to help CDOT employees in need.

### **FHWA Division Administrator Report**

Doug Bennett presented on behalf of FHWA Division Administrator Karla Petty, who was in Washington, D.C. Mr. Bennett acknowledge Chief Engineer Pam Hutton and her staff for the work they are doing with the ARRA projects.

### **Statewide Transportation Advisory Committee Report**

STAC Chairman Vince Rogalski relayed that STAC members wanted to be sure to include county Commissioners in the 4P process. Mr. Rogalski reported that the STAC recommends the approval of the 4P process guidelines. Mr. Rogalski also recommends that the CMAQ resolution is approved that includes two changes regarding attainment and the distribution of money. Mr. Rogalski also recommended approval of the FASTER project list and the Bid Savings list.

STAC recommended that FY08 and FY09 expenses be included in the FY11 budget discussion in order to see the trending of funds lost. STAC is concerned that Transit is all over the budget. Mr. Rogalski recommended that Transit be grouped for better understanding of how much funding goes toward Transit. The next STAC meeting will be on Thursday, October 8 at 1:30 p.m.

### **Safety Committee**

Commissioner Gruen reported that the statewide safety action plan program results were trending in the right direction. Commissioner Gruen reported that vehicle accidents and workplace injuries showed a decline. Commissioner Gruen stressed the importance of looking beyond the numbers and to use the numbers to operate more safely. Commission Gruen acknowledged CDOT employee Ty Ortiz for his rockfall report and video presentations. He also relayed information about Public Relations' campaign focusing on the importance of seat belt safety for children 8-12 years old. Lastly, Commissioner Gruen reported that the DUI summer campaign has been very successful.

### **Transit and Intermodal Committee**

Commission Parker reported that the Committee made a few modifications to the Bicycle/Pedestrian Policy and Procedural Directive that will be submitted for consideration to the Commission next month. Commissioner Parker reported that the cost of congestion for the cities of Boulder, Denver, and Colorado Springs is \$1.7 billion a year and 45 hours. This translates into \$913 per person per year in Denver. CDOT, in conjunction with other transit partners, are investigating the potential relocation of rail freight from the Front Range. Next steps include creating a citizen's advisory committee and conducting an analysis of benefits and impacts for the eastern plains. A status

report on transit grants and grants payable revealed a reduction in the backlog of applications from 80 to 8.

### **Consent Agenda**

Chairwoman Killin asked for consideration of the consent agenda. Commissioner Aden moved for adoption of the consent agenda. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolutions were unanimously adopted.

### **Resolution Number TC-1765**

BE IT HEREBY RESOLVED, the Transportation Commission's Regular Meeting Minutes of August 20, 2009 are hereby approved as published in the official agenda.

### **CMAQ**

Transportation Development Director Jennifer Finch presented information about the CMAQ program. The program exists to improve air quality standards. Ms. Finch explained the formula distribution and asked for Commission approval.

Commissioner Cheroutes moved for adoption of the resolution. Commissioner Erickson seconded the motion and on a vote by the Commission, the following resolution was unanimously adopted.

### **Resolution Number TC-1766**

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA), and was continued with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), and is currently being conducted under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the NAAQS) and attainment/maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, in the past, \$1 million of CMAQ money has been allocated to rural areas for PM10; and

WHEREAS, pursuant to Resolution TC-807, approved January 20, 2000, the remaining funds were allocated to the three MPOs the Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), and North Front Range Transportation & Air Quality Planning Council (NFRMPO) that were in non-attainment for PM-10 and carbon monoxide based on a 50 percent vehicle-miles traveled (VMT) for on-system roads and 50 percent population formula; and

WHEREAS, in 2007, the U.S. Environmental Protection Agency (EPA) reported that the five rural PM10 areas, (Aspen/Pitkin County, Canon City, Pagosa Springs, Steamboat Springs/Routt County, and Telluride/Mountain Village) have been in attainment/maintenance since mid-2000, depending on the location; however, recent data shows an upward trend in PM10 levels in some rural PM10 areas; and

WHEREAS, on November 20, 2007, the EPA designated the nine-county Ozone Control Area consisting of the Denver metro area, North Front Range Planning area and portions of the Upper Front Range Planning area as Ozone non-attainment; and

WHEREAS, in January 2009, the Federal Highway Administration (FHWA) requested that CDOT allocate CMAQ funds to Ozone non-attainment areas, and revise Resolution Number TC-807 to reflect this; and

WHEREAS, CDOT recognizes the importance of addressing the Ozone non-attainment areas in the distribution of CMAQ funds; and

WHEREAS, CDOT has consulted with the eligible recipients regarding fund allocation for state FY 10 and 11; and

WHEREAS CDOT recognizes the need to transition from the previous allocation system to a system that focuses on non-attainment areas;

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for state FY 2010 and FY 2011, CMAQ funds will be allocated in the following manner:

- CDOT will allocate \$1 million of CMAQ funds annually to the eligible rural PM-10 areas.
- The remaining CMAQ funds will be allocated to DRCOG, NFRMPO, and to the UFRTPR for areas within the Ozone non-attainment boundary, and all of PPACG based on the 50 percent VMT/50 percent population formula.
- Population and VMT will be updated annually for the 50 percent VMT/50 percent population formula.
- For the period FY 2010 through 2011, the formula should be used for planning purposes only, and is not a budget allocation.
- Should CDOT receive up to \$5 million annually in additional CMAQ funds for FY 2010 or 2011 beyond those estimated in the December 2006 resource allocation, the additional funds will be distributed to the Ozone non-attainment areas based on the 50 percent VMT/50 percent population formula.

FURTHER, project selection will continue to be at the local level. MPOs, Rural TPRs, and CDOT will work cooperatively to select cost effective projects, including eligible CDOT and transit agency projects that provide meaningful air quality benefits.

FURTHER, CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA.

FURTHER, this resolution supersedes TC-807, approved on Jan. 20, 2000.

FURTHER, this resolution will be revised to address state Fiscal Years 2012-2017 as part of the STIP development cycle.

**Recovery Act Bid Savings Plan**

Chief Engineer Pam Hutton presented a list of projects for Commission approval to be funded by bid savings.

Commissioner Parker moved for adoption of the resolution. Commissioner Ortiz seconded the motion and on a vote by the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1767**

WHEREAS, Congress has passed and the President of the United States has signed the American Recovery and Reinvestment Act (ARRA) of 2009 effective February 18, 2009; and

WHEREAS, CDOT has received \$318M for CDOT regional priorities, \$12M for Transportation Enhancement projects and \$56M for distribution to the Transportation Management Areas (TMA's) and \$13M in Federal Transit Administration funds for non-urbanized rural areas; and

WHEREAS, the Transportation Commission has previously approved projects to be funded with ARRA funds based on lists developed by the CDOT Regions in collaboration with our planning partners and that met the ARRA project selection criteria; and

WHEREAS, CDOT exceeded the fifty percent (50%) obligation of ARRA funds requirement on June 17, 2009 and is now in the process of meeting the one-hundred percent (100%) obligation of ARRA funds requirement by March 2, 2010; and

WHEREAS, CDOT has opened bids and executed contracts on 43 projects which has resulted in bid savings that are available to be allocated to projects so that all Recovery funds can be obligated by the March 2, 2010 deadline; and WHEREAS, the current amount of funds due to bid savings and available to be allocated to projects is \$36M and a list of proposed projects for allocation of those funds, that meet the ARRA project selection criteria, has been developed in collaboration with our planning partners; and

WHEREAS, CDOT was awarded on July 14, 2009 an additional \$250,000 in ARRA funds for funding our existing On-the-Job-Training (OJT) supportive service program.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission adopts the projects listed on attachment "A" to this resolution to be implemented with ARRA funds contingent upon their inclusion in the Statewide Transportation Improvement Program (STIP); and

BE IT FURTHER RESOLVED, that the Transportation Commission directs staff to move forward with the necessary process to meet the requirements for STIP public review and approvals and budget actions necessary for the projects on the aforementioned list to proceed to implementation.

## ATTACHMENT A

Colorado Department of Transportation  
Additional ARRA Projects  
September 17, 2009

### Bid Savings Projects

Region 1 –US 24 West of Limon resurfacing.

Region 2 –Veteran’s Bridge in the City of Pueblo and US 50 surface treatment in Pueblo County.

Region 3 –SH 14 Walden to US 40 in Jackson County resurfacing.

Region 4 –US 34 chipseal from Brush to Akron and US 6 resurfacing in Washington/Morgan County.

Region 5 –US 160 Shaw Creek to Del Norte resurfacing.

Region 6 – I-25 & Alameda bridge replacement and SH 2 Vasquez to Quebec resurfacing.

### Additional Funding Project

\$250,000 in newly awarded ARRA funds to be used for the existing On the Job Training (OJT) supportive service program.

### **4th Budget Supplement**

Finance and Budget Manager Ben Stein asked for approval on transfer of funds for Region 2, Region4, Region 5 in the System Quality Investment category. He also requested approval for fund transfers in Safety Investment, Program Delivery, and Operating categories.

Commissioner Krawzoff moved for adoption of the resolution.

Commissioner Aden seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

### **Resolution Number TC-1768**

BE IT RESOLVED, That the Fourth Supplement to the Fiscal Year 2009-2010 Budget be approved by the Commission.

## **Proposed Rules for Utility Accommodation Rules**

Audit Director Casey Tighe relayed information about a safety concern regarding power lines. Staff wanted to ensure the utility lines were high enough to protect workers when they are working on right-of-ways, but the utilities were concerned that the regulations were too expensive. A second hearing was held to address the cost benefit analysis. An agreement was reached to have the height changed to 24 feet, which is lower than the original proposal.

Permits Manager Teresa Lawser relayed information to the Commission about changes to the definition of grounding. Mr. Tighe asked the Commission to approve the resolution and the amendment to the definition. Commissioner Aden moved for adoption of both the resolution and the amendment to the definition. Commissioner Krawzoff seconded the motion and on a vote of the Commission, the following resolutions were unanimously adopted.

### **Resolution Number TC-1769**

WHEREAS, the Transportation Commission is charged with the responsibility for adopting rules pertaining to the State Highway Utility Accommodation Code, 43-1-225(1) C.R.S., and;

WHEREAS, the Colorado Department of Transportation has been informally regulating utility accommodations because no formal rules have yet been adopted by the TC, and;

WHEREAS, on November 20, 2008 the TC passed Resolution Number TC-1667 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing and prepare a complete record of the hearing and recommend changes to the existing Rules based upon evidence presented at the hearing; and

WHEREAS, the rulemaking hearing was conducted on April 3, 2009, public comment was received and the Hearing Officer made a complete procedural record of the hearing, and;

WHEREAS, at the May 21, 2009 Transportation Commission meeting the Commission determined that they wanted to continue the hearing to obtain additional information on safety and cost issues relating to the appropriate height of power lines that cross the state roadways, and;

WHEREAS, on August 17, 2009 a second hearing was held on issues relating to the minimum height of power lines crossing state highways, and public comment was received on those issues, and;

WHEREAS, CDOT staff worked with officials of public utilities to determine an appropriate height for power lines that cross the state highways, and the agreed height has been incorporated into the proposed rules, and;

WHEREAS, after the hearing was closed CDOT staff received a recommendation that additional language be added to Table 1, *Minimum Vertical Clearance Within Right of Way* to better define how voltages are determined, and;

WHEREAS, CDOT staff agrees with the recommendation to improve the definition for voltages and staff has prepared language improving the definition in Table 1 of the proposed rules, and;

WHEREAS, the provisions of the proposed rules balance the safety concerns for CDOT workers with the need for a reasonable cost for utilities to comply with the minimum height requirements.

NOW THEREFORE BE IT RESOLVED, the TC has considered the record of the hearing the recommendations of the Administrative Hearing Officer, and the amended language in Table 1.

BE IT FURTHER RESOLVED, the TC hereby adopts the proposed rules as amended at the hearing and as reflected in Exhibit 22 of the hearing record, but including the changes to Table 1 defining voltages, as discussed at the TC meeting and making those rules the final agency decision.

### **Rules for Size and Weight for Vehicle Loads**

Permits Manager and CDOT Rules Coordinator Teresa Lawser presented information about Auxiliary Power Units (APU). Ms. Lawser asked the Commission for consideration to accommodate the additional 400 pounds for heavy-duty vehicles to be equipped with idle reduction technology.

Commissioner Gruen moved for adoption of the resolution. Commissioner Barry seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

## **Resolution Number TC-1770**

WHEREAS, under the Colorado Revised Statutes § 42-4-508 (3), the Transportation Commission of Colorado has the responsibility to determine if Colorado highways have been constructed to standards which will accommodate any additional size or weight limits that may be prescribed or adopted by the federal highway administration or the United States congress; and

WHEREAS, in Title 23 U.S.C. Section 127 (12), in order to promote the reduction of fuel use and emissions because of engine idling, the United States Congress has determined that the maximum gross vehicle weight limit and the axle weight limit for any heavy-duty vehicle equipped with an idle reduction technology, or auxiliary power unit, shall be increased by an amount not greater than 400 pounds; and

WHEREAS, in 1 CCR 209-1 Regulation Series 400 1(c) and 2(c), the Colorado Department of Revenue has adopted rules defining the parameters of the increased weight allowance for heavy-duty vehicles equipped with idle reduction technology, or auxiliary power units; and

WHEREAS, the use of idle reduction technology for heavy-duty vehicles in Colorado should be encouraged; and,

WHEREAS, failing to adopt such additional weight limits for heavy-duty vehicles utilizing idle reduction technology as prescribed by the United States Congress will jeopardize the distribution of federal highway funds to the state of Colorado.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission finds Colorado highways have been constructed to standards which will accommodate the additional 400 pounds for heavy-duty vehicles equipped with idle reduction technology and supports the adoption of 1 CCR 209-1 Regulations Series 400 1(c) and 2(c).

### **Acknowledgements**

Transportation Development Director Jennifer Finch acknowledged Sally Pearce for her outstanding 23 years of service with CDOT's Scenic Byways program. Ms. Pearce has been instrumental in bringing nearly \$14 million to the Scenic Byways program in Colorado. Ms. Pearce is a recognized as a national leader.

Commission Parker thanked Ms. Pearce for her contributions.

**Resolution Number TC-1771**

WHEREAS, the abandonment of rail lines in Colorado is considered to be of statewide importance because of the impacts these abandonments may have on local communities and the rest of the transportation system; and

WHEREAS, the Transportation Commission of Colorado has been given statutory responsibility by the State for approving the acquisition of rail lines or railroad right-of-way under C.R.S. 43-1-1303(2); and

WHEREAS, preliminary analysis has been performed by the Colorado Department of Transportation staff to determine which rail lines are in jeopardy of being lost due to potential abandonment; and

WHEREAS, the Division of Transportation Development has identified a list of criteria for prioritization of rail corridors for preservation in a Rail Corridor Preservation Policy dated June 22, 2000; and

WHEREAS, the Department will continue its participation with RTD, DRCOG, and the City and County of Denver in the implementation of the master plan developed for Denver Union Station for its use as a major multimodal transportation hub; and

WHEREAS, the Department will continue discussions with Class I railroads regarding the possible relocation of major freight lines out of congested areas; and

WHEREAS, the Department will continue to maintain the North Avondale Towner Line in order to ensure that freight rail service is available in portions of southeastern Colorado; and

WHEREAS, the Department will respond to the provisions set forth in Senate Bill 09-094 by appointing and convening a interim transit and rail advisory committee to specifically advise the commission and the executive director regarding the initial focus of a newly established transit and rail division ; and

WHEREAS, C.R.S. 43-1-1303(3) requires the Executive Director of CDOT to submit a prioritized list of proposed railroad acquisitions and their proposed uses to the TLRC; and

WHEREAS, the Division of Transportation Development has examined rail lines that have been abandoned, or have been proposed to be abandoned, during the past year and determined that none were rail

lines of statewide significance and none met the criteria for requiring preservation or acquisition by the State, and

WHEREAS, there are no rail lines of statewide significance that are at immediate risk of abandonment and in need of acquisition; and

WHEREAS, the Transportation Commission wishes to keep the TLRC informed of rail activities that could impact rail service in the State.

NOW THEREFORE BE IT RESOLVED, the Executive Director is hereby directed to submit the following list of recommendations to the Transportation Legislation Review Committee:

First priority: NA Towner Line

The first priority is to continue to maintain the NA Towner line for freight service.

Second priority: UP and BNSF Relocation of Freight Lines

Continue to cooperate with the UP and BNSF to examine the opportunities for the relocation and improvement of freight service along the Front Range. The goal of these efforts would be to improve freight movement, create new economic opportunities, improve safety and air quality, and reduce congestion. Such improvements could also present opportunities for rail passenger placement in or along railroad rights-of-way.

Third priority: Valmont/Boulder Branch Line

Monitor the status of UP's Valmont/Boulder Branch Line. It does not appear UP will abandon the portion of this line east of I-25 in the near future. This line is critical to preserving options for future passenger rail for northern Colorado and relieving congestion on I-25, US 36, and US 85 and therefore should be preserved for future passenger rail service.

Fourth priority: Tennessee Pass Line

Monitor the status of UP's Tennessee Pass Line. It does not appear UP will abandon this line in the near future; however, it has not been used for over nine years. If this line is abandoned, the State should purchase it to preserve it for freight service in the future.

Fifth priority: Fort Collins Branch Line

Monitor the status of the Fort Collins Branch line. While this line does not appear to be at risk of abandonment in the near future, it is identified as a rail corridor of state significance since it connects Greeley and Fort Collins to the North Interstate 25 corridor, and is identified as part of the preferred alternative in the North Front Range Transportation Alternative Feasibility Study.

## **TC Resolution Number-1772**

WHEREAS, Section 43-1-106 (8)(a) C.R.S. requires the Transportation Commission "to formulate the general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state and, in that capacity, to receive delegations, including county commissioners and municipal officials interested therein"; and

WHEREAS, Section 43-1-1103 (3) and (4) C.R.S. directs the Transportation Planning Regions to carry out "necessary continuing, cooperative, and comprehensive transportation planning" and also directs the Transportation Commission to consider the priorities contained in Regional Transportation Plans in making decisions concerning transportation improvements"; and

WHEREAS, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires a process through which Colorado citizens can develop a fundamental understanding of the state's transportation system, its condition, its cost and funding requirements, and its planning and programming process and can provide input on key transportation system decisions at a meaningful time in the planning project development process; and

WHEREAS, the Colorado Department of Transportation incorporates the above legislation when conducting project prioritization with its planning partners for the purpose of developing and updating the short-range plan of transportation projects called the Statewide Transportation Improvement Program (STIP); and

WHEREAS, CDOT has previously used separate guidelines adopted in 1994, and updated in 2003, specific to the project priority programming process and STIP development; and

WHEREAS, these processes have been consolidated into one document and updated to align with current legislation and practices and now include a section for public involvement. This consolidated document is now titled as *Project Priority Programming Process (4P) and STIP Development Guidelines* and is to be used to guide the development of, and public involvement for, the Statewide Transportation Improvement Program (STIP).

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission of Colorado hereby adopts the consolidated *Project Priority Programming Process (4P) and STIP Development Guidelines*.

**Resolution # TC-1773**

**Resolution to Approve STIP Policy Amendment Package for Amendment #17**

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #17 was provided from August 18 through September 16, 2009 and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve the policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #17 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

**Standing Committee Assignments**

Commissioner Killin announced which Commissioners were appointed to which committees. They are as follows:

High-Performance Transportation Enterprise-Commissioners Cheroutes, Barry and Aden

RTC-Commissioners Erickson, Cheroutes, Barry, and Reiff

Audit Review-Commissioners Erickson, Reiff, Parker, and Gruen

DBE-Commissioners Cheroutes, Barry, Kaufman, Krawzoff, and Ortiz

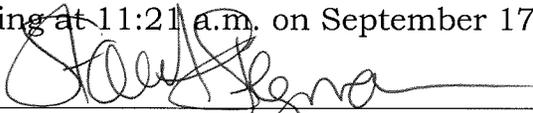
Transit and Intermodal-Commissioners Erickson, Barry, Krawzoff, and Parker

Safety-Commissioners Kaufman, Aden, Gruen, and Ortiz

The Transit and Rail Division will be overseen by the Transit and Intermodal Committee.

**Adjournment**

And there being no further matters to discuss, Chairwoman Killin adjourned the meeting at 11:21 a.m. on September 17, 2009.



**Stacey A. Stegman, Secretary  
Transportation Commission of Colorado**