

Transportation Commission of Colorado
Regular Meeting Minutes
October 16, 2014

Chairman Ed Peterson convened the meeting at 11:38a.m. in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Ed Peterson, Chairman, District 2
Kathy Connell, Vice Chairman, District 6
Shannon Gifford, District 1
Gary Reiff, District 3
Heather Barry, District 4
Kathy Gilliland, District 5
Sidny Zink, District 8
Les Gruen, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

EXCUSED: Doug Aden, Chairman, District 7

ALSO PRESENT: Don Hunt, Executive Director
Scot Cuthbertson, Deputy Executive Director
Debra Perkins-Smith, Director of Division of Transportation
Josh Laipply, Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Barb Gold, Audit Director
Amy Ford, Public Relations Director
Scott Richrath, CFO
Herman Stockinger, Director of Policy and Government Relations
Mark Imhoff, Director of Division of Transit and Rail
Ryan Rice, Director of the Operations Division
Kyle Lester, Maintenance Division
Tony DeVito, Region 1 Transportation Director
Karen Rowe, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel
John Cater, FHWA
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

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

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

Audience Participation

Karen Hammer stated that she is with Hammer Law. She stated that she is an attorney who represents plaintiffs in a case in federal court against HPTE, the Transportation Commission and other defendants relating to violations of transparency and accountability rules. The individual commissioners of Transportation Commission are not named defendants, but the individual board members of HPTE have been named for their roles in those violations. She stated that she came before the Commission today to discuss the Transportation Commission rules. These are very serious and a fundamental piece of what public servants have to respect. She stated that her preference is always to work with people before lines are crossed. People do not have to agree with her on policy decisions, but they do have to follow the law.

She stated that the Audit Review Committee of the Transportation Commission is chaired by Mr. Gary Reiff, and Mr. Doug Aden is also a member of that committee. They directly supervise the Audit Division, Ms. Barbara Gold and her staff. She stated that she recently discovered in the agenda packet for this morning's Audit Review Committee that the committee under Mr. Reiff's leadership had asked the Audit Division to do a review to determine whether CDOT and its boards and commissions had complied with the very laws that are the subject of the litigation. That is a clear conflict of interest. Mr. Reiff is a named defendant. There are provisions for how an audit should be done. It can be externally. The Audit Division is required to follow generally accepted government auditing standards, and that includes fairly pristine independence. The Audit Review Committee's supervision of the Audit Division would preclude the Audit Division from being involved in this process. In addition, the Audit Division also conferred with the Office of the Attorney General, which normally would not be a big deal, but the two lawyers who support HPTE and CDOT are also named defendants due to violations of their own duties. Again this is inappropriate. This is very serious, and the rules are crystal clear.

Ms. Hammer stated that she asked that Audit Report 15-001 be removed from the agenda and explained her goal to Ms. Gold. Ms. Hammer stated that she asked the report be removed from the agenda and no further work be done on this subject due to lack of independence. While it was removed from the agenda this morning, sometime yesterday afternoon or last night, a new audit report was placed in that packet without notice to the public. Nothing was flagged that there was a new report. She stated that only her diligence allowed her to find the new audit report that was included for review this morning. She stated that there is some irony in the Audit Division not giving full and timely notice under the Sunshine Laws of their audit, which relates to requirements under the Sunshine Laws. These demonstrate some internal competence issues.

She stated that although the Audit Committee tabled the report this morning, no disclosure was made to the Commission of the issue of the conflict of interest and the lack of independence. In a conflict of interest, there is taking oneself out of the realm of being able to influence but there is also disclosing when one has tripped into, intentionally or inadvertently, something. She stated that at this point there is such a clear conflict of interest that she does not believe that Mr. Reiff or Mr. Aden can continue to serve on the Audit Review Committee if it will continue to look at compliance issues. She stated that this is something that needs to be discussed and

included on the agenda for next month's Transportation Commission meeting. In the meantime she does not believe that named defendants should continue to represent the Transportation Commission on the HPTE Board. Some of the Board members are appointed by the Governor and some are appointed by the Commission, but at this point there should be an examination into such a clear conflict of interest that perhaps other Commission members with more objectivity should be stepping back to see how HPTE should get back on track. These are very, very serious issues. At the HPTE Board meeting yesterday, consultants that consumers' biggest issue with P3s is that they do not trust CDOT to supervise and they do not trust CDOT to have accountability and transparency. They stated that if there is a guarantee that these things happen the public will be more supportive of transportation.

Individual Commissioner Comments

Commissioner Gifford stated that this month had been really fun and that Executive Director Hunt had expanded the scope of his activities and taught a seminar at the Institute for Public Policy Studies at the University of Denver on the history of transportation and the direction for the future. She stated that he did a great job, and it was very interesting to think about the future and what can be done even without a lot of money but changes in technology. Also in District 1, the Supplemental EIS for the I-70 Viaduct replacement is in the comment period so there has been a lot of activity around that.

Commissioner Hofmeister stated the he wanted to thank the Commission and the staff that joined the road trip in September to the northern part of District 11 through Region 4. He appreciated everyone coming out to see what is out there as far as crops, land, farm, markets and the need for infrastructure.

Commissioner Thiebaut stated that the amount of traffic never ceases to amaze him between Pueblo and Denver at 4:30 in the morning. He complimented CDOT on keeping up with what seems to be an overwhelming matter in terms of sheer numbers of cars that are on the roads in both urban and rural areas. He congratulated staff for all their hard work and for making trips as bearable as possible.

Commissioner Reiff stated that he would divert from his normal comments to say that he has never had his integrity impugned in a public meeting by anyone. He stated that he has been a licensed lawyer for thirty years and values his reputation in this community, which is fairly widespread, for integrity. He stated that if this Commission has any concern over his integrity, ethics or disclosure he asked that he immediately be informed so that he could tender his resignation. He stated that he has never been impugned in a public or a private setting the way that was impugned during public comment. He stated that he thought it as outrageous and that Ms. Hammer's behavior is outrageous.

Commissioner Barry stated that it had been a busy month. The Adams County and Broomfield County hearings were held and went very well. There was well planned conversation and dialogue around future transportation requests and needs, particularly from Adams County. She stated that they will continue in those dialogues.

Commissioner Connell stated that she has continued county meetings in Jackson County and Grand County. She stated that she is pleased to say that crews are getting the roads ready for the winter and are doing a lot of good work. The relationships with constituents are very positive, and she commended staff for doing such a great job in those areas. She stated that the road trip was a great success.

Chairman Peterson thanked the entire Commission for its dedication and cooperation on the road trip. It was a very worthwhile endeavor, and he personally appreciated the opportunity to see parts of the state that he had not visited in a while. He stated that it was good to hear from local community representatives about their needs and desires for the transportation system in their areas. He stated that he also had the opportunity to attend JEFFTAG and to work with his transportation partners in Jefferson County and the western part of the Denver metro area. He stated that he continues to have a wonderful working relationship with those partners, and he commended their understanding and willingness to cooperate as everyone moves forward with limited budgets and needs that exceed those budgets. He stated that lastly he wanted to personally reiterate his support and his continued admiration for Commissioner Reiff's ability to perform not only as a Transportation Commissioner for the state of Colorado but also as an individual who maintains the highest integrity in everything that he does. Chairman Peterson stated that every interaction he has had with Commissioner Reiff is one that leaves the Chairman in awe of the commissioner's abilities, his commitment to the safe transportation of the residents of Colorado, his representation of his constituency in his district, and his support for the actions of this board. He thanked Commissioner Reiff for his service and continued to offer him admiration and support as a fellow commissioner.

Executive Director's Report

Executive Director Hunt stated that this is the political season, and that there are few ways to look at the issues. He stated that he has been dismayed that there has not been a lot of discussion about transportation in any of the races. On the other hand, Commissioners and staff can take that as a compliment that everyone is doing a great job. While there have certainly been differences of opinion, but when it comes down to delivering for Colorado it seems everyone believes CDOT is doing a good job with the available resources so it has not turned into a political issue.

He stated that CDOT is gearing up for the I-70 mountain corridor for the winter. This is the most important mission for the winter. There are many important things going on, but the tandem of operations and maintenance working with the regions to keep that corridor moving is really in the minds of Coloradans and business people in Colorado as one of the most important things that CDOT needs to do. The winter operations plan that includes more aggressive ramp metering, snow plow escorts up to the Eisenhower Tunnel will bring some challenges to staff. Staff will be moved around to where weather and maintenance demands require them for bursts of time. There will be more aggressive equipment maintenance during the winter so that CDOT is not losing its most important tandem equipment, as well as better systems for putting down de-icer products. These are all necessary to keep that corridor open and to keep delays to a minimum, although it is important to remember that there will be delays.

He stated that he has also been working with Colorado Motor Carrier's Association who are very unhappy with the Department in terms of possibly moving to hold trucks at Dotsero Eastbound on Saturday and Sunday afternoons. But this is an important tool in the Department's toolbox. It needs to be an option that is available when public safety is deteriorating on the corridor. He stated that is encouraging the Association to help with this option.

Finally, he stated that he wanted to mention the Transportation Summit. CDOT is hosting this Summit with some private partners on Thursday, November 20, at the Denver Westin. Herman Stockinger and his staff have been working hard on that, and it begins at 12:30pm right after the Commission meeting in November. He stated that the purpose is to emphasize the connection between business and transportation as everyone goes forward as partners. He also thanked Commissioner Gifford for her kind comments.

Chief Engineer's Report

Josh Laipply stated commended staff for the efforts surrounding the I-70E project. There is an industry forum on October 22. The purpose behind the forum is that this is a very large project that will get big players from the national and international scene that will gain interest around, but CDOT wants to make sure that local contractors and people within Colorado get some involvement in that very large project. The purpose of that is to bring those two groups together, get those introductions made and get them on some teams for that potential project.

He stated that the Flood Recovery Efforts were mentioned as one America's Transportation Award's Top Ten Infrastructure Projects. There is a People's Choice Award that everyone can go online and vote for. Everyone should be able to get a link to that.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes stated that HPTE is extremely busy these days. There are five unique corridors that they are actively working on to either develop or implement financing plans. They are making good progress on all of these projects, which include Peak Period Shoulder Lanes, North I-25, some work on US 36 to ensure that is going smoothly, C-470 and the viaduct project. There will be lots to report in the near future.

He wanted to describe some results from public surveys that have been done, mostly in the metropolitan area. These are statistically valid about people's views of private investment in the transportation system. HPTE has learned some useful lessons from that. People seemed to be extraordinarily concerned with the population explosion in the metro area and the traffic congestion problems it causes. They are open to hearing about different ways to solve some of those problems, including private investment and private partnerships. There is one finding that shows about 70% of people who were polled indicated open mindedness toward private investment in the system in specific circumstances for a particular transaction. This underscores the need to get out and make sure people understand what the particular circumstances are, but it is comforting to know that people are open minded about it. They will

provide that full report to the HPTE Board, the Transportation Commission and the public.

FHWA Division Administrator Report

John Cater stated that he was pleased to learn that American Public Works Association in Colorado had their annual awards banquet. The project in Region 3 on I-70 at Exit 26 Diverging Diamond Interchange won the award as the medium community transportation project of the year. It is a credit to the city of Grand Junction and to Region 3 for being creative. One of things that FHWA emphasizes is the need to be innovative and do things differently. That project is an example of trying something that had never been done in Colorado before. He congratulated everyone involved in that project.

He stated that on October 20, 2014, in Durango the Tribal Summit and Joint Cooperation Meeting that is held periodically between the Mountain Utes, the Southern Utes, BIA, CDOT, New Mexico DOT, Utah DOT and FHWA as a way of coming together to talk about transportation issues. It helps everyone be on the same page and gives people an opportunity to raise issues and concerns. It's a great forum.

Another upcoming event on November 5-6, 2014 is a Public-Private Partnership Peer Exchange. Mike Cheroutes stated that they have been very busy, and it in addition to everything else HPTE will be involved in this peer exchange. There will be representatives from Virginia DOT, Florida DOT, national consultants as well as FHWA HQ in order to have a conversation about P3s, what works, what does not, what has been successful and what has not. This will be a chance to learn from one another, hopefully getting some good ideas going forward and sharing things that have worked well for CDOT. It will be a relatively small group, but it will be a great opportunity to improve knowledge in this area.

Act on Consent Agenda

Chairman Peterson entertained a motion to approve the Consent Agenda. Commissioner Connell moved to approve the agenda, and Commissioner Gruen seconded the motion. Upon vote of the Commission, the Consent Agenda passed unanimously.

Resolution #TC-3196

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for September 18, 2014, are approved as published in the official agenda of the October 15 & 26, 2014, meeting.

Resolution #TC-3197

Resolution #TC-3197

Resolution to Approve the Disposal of Project #CR 200-070 Unit 1, Parcel 5X and 5AR, on SH21 in Colorado Springs

Approved by the Transportation Commission on October 16, 2014

WHEREAS, the Colorado Department of Transportation acquired 5X and 5AR for SH 21 right of way; and

WHEREAS, Parcel 5X and 5AR contain a total of 2.616 acres and is located in the east side of the SH 21 in northern Colorado Springs, El Paso County, Colorado; and

WHEREAS, CDOT Region 2 has made the determination that Parcel 5X and 5AR are no longer needed for transportation purposes; and

WHEREAS, CDOT Region 2 desires to sell Parcel 5X and 5AR for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the sale of Parcel 5X and 5AR will not affect the design, construction or utility of SH 21; and

WHEREAS, the Department of Transportation, Region 4, recommends that the property described as 5X and 5AR of Project CR 200-070 Unit 1 be declared excess property; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n), 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Department of Transportation, has declared through its Chief Engineer, that Parcel 5X and 5AR is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 5X and 5AR is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 5X and 5AR of Project CR 200-070 Unit 1 containing a total of 2.616 acres more or less.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Resolution #TC-3198

Resolution #TC-3198

Approval of the Devolution of SH 67 from 4th St. west to Victor City Limits to the City of Victor from Project #: C 067A-034

Approved by the Transportation Commission on October 16, 2014

WHEREAS, The Department of Transportation owns 0.31 linear miles of Highway in Victor, Colorado identified as State Highway 67 (SH 67); and

WHEREAS, that portion of SH 67 is located between, and connecting 4th Street west to the Victor, City Limits (Exhibit A); and

WHEREAS, Region 2 has determined that abandoning this portion of SH 67 would be in the best interest of Colorado taxpayers; and

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality; and

WHEREAS, the City of Victor proposed to take ownership of SH 67 from mile marker (MM) 45.56 to MM 45.87, as described in Exhibit A which are attached hereto, in exchange for a payment of \$307,702.00 from CDOT; and

WHEREAS, \$307,702.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 67 over the next 20 years; and

WHEREAS, the abandonment of the above referenced section of SH 67 will be funded with Region 2 RAMP funds; and

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures; and

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Victor pursuant to the terms and conditions of the IGA; and

WHEREAS, the governing body of the City of Victor has adopted Resolution No. 2014-08-14.01, agreeing to the state's abandonment of the portion of SH 67, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Victor to assume ownership of said highway segment in the "as is" condition; and

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 67,

CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT; and

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$307,702.00 to the City of Victor, and that shall constitute the total consideration from the State to the City of Victor related to the abandonment and transfer of the abandoned highway; and

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies); and

WHEREAS, the Transportation Commission has determined SH 67 between mile marker 45.56 and 45.87 is no longer needed for the state highway purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-2-106 the Department of Transportation be given authority to abandon that portion of SH 67 from mile marker 45.56 to 45.87 containing approximately 0.31 miles.

Resolution #TC-3199

Resolution #TC-3199

Resolution to Approve the Devolutoin of SH 34 (Elkhorn Ave) in Estes Park as part of Project #C 06-0016-10

Approved by the Transportation Commission on October 16, 2014

WHEREAS, the Department of Transportation owns 1.28 linear miles of Highway in Estes Park identified as State Highway 34 (SH 34);

WHEREAS, that portion of SH 34 is located between mile marker 0.02 and mile marker 1.3;

WHEREAS, Region 4 has determined that abandoning this portion of SH 34 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the affected county or municipality will assume ownership of the above mentioned roads in "as is" condition in exchange for a specific dollar amount to be paid by CDOT to the local governing body on the date of the transfer of ownership of this specified road segments;

WHEREAS, Estes Park proposed to take ownership if SH 34 from mile marker 0.02 and mile marker 1.3, in exchange for a payment of \$4,200,000 from CDOT RAMP Funds;

WHEREAS, \$4,200,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 34 over the next 20 years;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by Estes Park pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of Estes Park shall adopt a resolution agreeing to the State's abandonment of the portion of SH 34 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing Estes Park to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, Estes Park shall execute a resolution or ordinance accepting the abandoned portion of SH 34 as a city street;

WHEREAS, within 90 days of the date of execution of the Estes Park Resolution or Ordinance accepting the abandoned portion of SH 34, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$4,200,000 to Estes Park, and that shall constitute the total consideration from the State to Estes Park related to the abandonment and transfer of the Abandoned Highway;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined SH 34 between milemarker 0.02 and mile marker 1.3 is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-2-106 the Department of Transportation be given authority to abandon that portion of SH 34 from mile marker 0.02 and mile marker 1.3 containing approximately 1.28 miles.

Discuss and Act on the 4th Supplement to the FY2015 Budget

Scott Richrath stated that there are a number of projects with small nuances, so it is necessary to go through them. There was a Region 1 Walk On Request for a bid that came in slightly above the previously approved amount of Commission Contingency. There is a request for additional contingency this month for about \$600,000. Also in Region 1, there is a great use of the Transition Fund. The request is for \$2.1 million. The Commission set aside \$10 million by resolution several months ago. To date only about \$1 million has been used. There is a per project cap of \$2.5 million. This is a project that would have been eligible under certain criteria, but under new statewide criteria, it no longer has that eligibility.

In Region 2, it has been nearly a year since requesting Contingency funds for US 24 in Waldo Canyon outlining a very specific plan that included automated monitoring and gate closure system. The Commission set aside a certain amount of funding for that. Region 2 has used \$1.1 million exactly as intended. They are now requesting to repurpose \$400,000 to determine what can be done for long term resiliency in that corridor.

Region 3 requests Commission Contingency for a culvert. There have been culvert failures that could be funded through critical culverts, but this one is not on the Asset Management list of critical culverts.

Region 5 has a structure in need of repair. If approved, this is a shared expense between the Contingency fund and the Bridge Enterprise fund. It now finds itself eligible for Bridge Enterprise funding. Bridge Enterprise earlier covered some immediate, temporary need. It is seeking \$940,000 for a midterm need, and the long term structure itself and the permanent repair solution would be addressed by Bridge Enterprise. That is significantly larger than the \$940,000 request.

Ryan Rice and Transportation System Management and Operations has a request for \$1.85 million. Last year around this time, Ryan came before the Commission with a \$12 million baseline budget request. Commission funded that to level of available funding, which was approximately \$6 million. This is follow up request from current year budget to deploy \$1.85 million for execution of tolled express operation per the outline provided.

On the RAMP front, there is a request to bump up the Operations portion of the total RAMP pool. The Commission gave staff permission to exceed any project amount by up to 7.5% without returning to the Commission for formal action. The normal project amount is 15%. For the entire program, if Operations, Public-Public or Public-Private exceeded its amount by 3.5%, staff also needed to return to Commission. By virtue of Peak Period Should Lanes that Commission previously approved, Operations was pushed above that 3.5% threshold. Rather than hold all other Operations projects to a \$1 limitation that require return to the Commission, staff requests the Commission to bump up by \$3 million, which is not Commission Contingency, the entire RAMP program. He stated that he will continue to return to the Commission if any single RAMP project exceeded its budget by 7.5%.

The final request is to take \$5 million of remaining Maintenance Level of Service budget from the year that ended June 30th and roll that forward for some new one time initiatives.

Under PD 703, there are several projects that did not appear on this list because staff is operating with more flexibility at the dollar threshold.

Chairman Peterson entertained a motion to approve the 4th Supplement to the Fiscal Year 2014-2015 Budget. Commissioner Reiff moved to approve the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3200

BE IT SO RESOLVED, That the Fourth Supplement to the Fiscal Year 2014-2015 Budget be approved by the Commission.

Acknowledgements

Director Hunt stated that the first award was for the 2014 CDOT Safety Innovation Award. This is a very important program. On an ongoing basis, CDOT asks

employees to suggest safety improvements, make safety innovations and watch out for themselves and their coworkers at all times. It is one thing to come up with an innovation, and it is another thing to think it through so that it can be applied to the entire department.

Darrell Lingk stated that it was his privilege to present the Safety Innovation Award for 2014. The award winner fabricated a very simple device that can be attached to the hitch of any of CDOT's maintenance vehicle. The device is designed to hold a maximum of 20 standard size 36" traffic cones. The device brings a number of safety enhancements. Picking up lane closures usually requires two employees, one in the back of the truck who stacks the cones and one on the ground who picks up the cones. With this device one person can do the pickup of the lane closure. There are a number of new safety benefits, but that is probably the biggest one. The device can be attached and detached in seconds, and the winner of award is clear about one thing: he would like to see this device used across the Department. This year's Safety Innovation Award Winner is Mr. Joseph Young.

Director Hunt congratulated Mr. Young on his award. He then stated that the Public Relations Department received an award for the Statewide Plan website.

Amy Ford stated that Michelle Scheuerman won this award for an extraordinarily innovative approach to CDOT's statewide plan which will be released later in November. It is entirely web-based, online and interactive. The public will be able to interact with the plan, videos, data and surveys. It will not be a plan that collects dust on the shelf but one that we will be engaging for many years to come. Amy congratulated Michelle on her award.

Director Hunt stated that a little more than a year after the catastrophic floods that hit Colorado, there has been local and national recognition for the great work done by the Department and its staff. On September 18 & 19, the Denver Transportation Club hosted a symposium of Transportation Clubs International. During this annual meeting, the Club usually presents a Person of the Year Award. CDOT's Region 4 Director Johnny Olson was asked to speak at that event, and while he was there he was able to accept the TCI Person of the Year Award on behalf of all the Men and Women of CDOT. This is a reminder of some very difficult times and challenges that CDOT continues to face.

Chairman Peterson congratulated all those who received recognition.

Other Matters

Chairman Peterson stated that there were no other matters to come before the Commission.

Adjournment

Chairman Peterson announced that the meeting was adjourned at 12:20p.m.



COLORADO
Transportation Commission

4201 East Arkansas Avenue, Room 270
Denver, CO 80222-3406

DATE: November 20, 2014
TO: Transportation Commission
FROM: Herman Stockinger / Heidi Humphreys
SUBJECT: Repeal of Policy Directive 12.0 "Workplace Accommodations for Nursing Mothers"

Purpose: Repeal of Policy Directive 12.0 "Workplace Accommodations for Nursing Mothers"

Action: To pass a Resolution repealing Policy Directive 12.0

Background: The Transportation Commission approved Policy Directive 12.0 on May 7, 2009 to comply with the requirements of § 18-13.5-101 through 104, C.R.S. Beginning in 2011, the Department commenced an initiative to reduce the number of policies and procedural directives, and eliminate any that were unnecessary. The Department is updating Procedural Directive 12.1 with the same title, and will submit it to Executive Director Hunt for his signature following the Commission's repeal of PD 12.0.

Details: The relevant terms of Policy Directive 12.0 are sufficiently met in Procedural Directive 12.1.

Key Benefits: The key benefit to repealing Policy Directive 12.0 is to update one document that provides sufficient guidance to the Department on the necessity of providing safe, clean and private space for nursing mothers in close proximity to their respective work areas. This action also complies with the Department's initiative to eliminate unnecessary policies and procedural directives.

Options and Recommendations:

- Repeal Policy Directive 12.0 (staff supported) and utilize Procedural Directive 12.1, allowing for a single document Incompliance with the statutory requirements.
- Determine that Policy Directive 12.0 should not be repealed.
- Table the decision.

Attachments (1) Copy of Policy Directive 12.0; (2) Copy of updated Procedural Directive 12.1; (3) Resolution.

Resolution # TC-XXXX

Repeal of Policy Directive 12.0 “Workplace Accommodations for Nursing Mothers”

WHEREAS, pursuant to § 8-13.5-102 - 104, C.R.S., the Department is required to have in place a general policy with respect to providing workplace accommodations for nursing mothers, and

WHEREAS, the Transportation Commission approved Policy Directive 12.0 on May 7, 2009; and

WHEREAS, as part of the Department’s initiative to repeal and consolidate Policy Directives, the Department has reviewed and updated Procedural Directive 12.1, which fully complies with the statutory requirements for making reasonable accommodation for nursing mothers; ; and

WHEREAS, the Department requests that the Commission repeal Policy Directive 12.0 as part of its initiative to reduce the number of duplicative directives; and

WHEREAS, Procedural Directive 12.1 is sufficient to meet the requirements of § 8-13.5-101 – 104, C.R.S.;

NOW THEREFORE BE IT RESOLVED, the Commission herein repeals Policy Directive 12.0 “Workplace Accommodations for Nursing Mothers.”

Transportation Secretary

Date

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject		
Workplace Accommodations for Nursing Mothers		12.0
Effective	Supersedes	Originating Office
05/21/09	none	DIVISION OF HUMAN RESOURCES AND ADMINISTRATION

PURPOSE

The purpose of the policy is to comply with and disseminate Senate Bill 04-088, House Bill 08-1276, Workplace Accommodations for Nursing Mothers Act, and the State of Colorado Alternative Work Arrangements: Lactation Room/Space

AUTHORITY

Transportation Commission, Executive Director
 SB 04-088; HB 0801276; CRS 8-13.5-101, 104 et. seq., Workplace Accommodations for Nursing Mothers Act;
 State of Colorado Workplace Accommodations for Nursing Mothers

APPLICABILITY

This policy applies to all Regions, Divisions and Offices of the Colorado Department of Transportation.

POLICY

The Department of Transportation (CDOT) values all its employees and recognizes the numerous benefits for nursing mothers and their infants. Towards that end, the department shall provide reasonable and dignified alternative work arrangements to its employees to express milk for up to two years after the birth of her child(ren).

IMPLEMENTATION

This policy and corresponding procedural directive will be implemented upon approval by appropriate authorities.

REVIEW DATE

This policy will be reviewed no later than March 2014.



 Transportation Commission Secretary

05/21/09

Date

COLORADO DEPARTMENT OF TRANSPORTATION		<input type="checkbox"/> POLICY DIRECTIVE <input checked="" type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Workplace Accommodations for Nursing Mothers		Number 12.1
Effective TBD	Supersedes 05/07/2009	Originating Office <u>DIVISION OF ADMINISTRATIVE SERVICES (DAS)</u>

I. PURPOSE

The purpose of this ~~p~~Procedural ~~d~~Directive is to ~~disseminate~~meet the provisions ~~regarding~~of the Workplace Accommodations for Nursing Mothers Act (~~CRS §~~ 8-13.5-101, ~~104~~ et. seq., C.R.S.)

II. AUTHORITY

Executive Director, ~~Colorado Department of Transportation~~ pursuant to § 43-1-105, C.R.S.

Workplace Accommodations for Nursing Mothers Act (Senate Bill 04-088 and House Bill 08-1276). 8-13.5-101, C.R.S. et seq.

III. APPLICABILITY

This directive ~~shall apply~~applies to all CDOT employees.

IV. PROCEDURES

- A. All CDOT supervisors, managers and ~~a~~Appointing ~~a~~Authorities will inform their subordinates of the provisions in this ~~p~~Procedural ~~d~~Directive.
- B. CDOT employees who are nursing and wish to express milk are required to inform their supervisors of the need for a private place to do so and for appropriate time.
- C. The nursing employee must provide her own equipment ~~and~~ for the expression and storage of her milk. She is also responsible for cleaning the space after each use.
- D. CDOT supervisors, managers and appointing authorities shall allow a reasonable time for the employee to express milk for up to two years after the birth of her ~~child(ren)~~child or children. Reasonable time may include paid or unpaid break time, meal time, or both. The use of time must be documented and arranged between the supervisor and employee.

- E. To the extent possible, CDOT supervisors shall make reasonable efforts to provide space (other than a toilet stall), in close proximity to the work area, where an employee can express breast milk.
- F. No CDOT supervisor shall unreasonably withhold time or the use of a room or space for purposes of lactation.
- G. An employer that makes reasonable efforts to accommodate an employee who chooses to express breast milk in the workplace shall be deemed to be in compliance with the requirements of this section.
- H. In the event a problem arises where reasonable accommodation is sought by the employee and the employee believes reasonable accommodation has not been made, ~~Before an employee may seek litigation for a violation of this section, there the parties shall seek to resolve the issue by involving the Appointing Authority or other member of senior management~~be nonbinding mediation between the employer and the employee.

V. IMPLEMENTATION

This Procedural Directive shall be effective upon approval by the Executive Director and implemented by the Division of Administrative Services (DAS).

VI. REVIEW DATE

This ~~p~~Procedural ~~d~~Directive will be reviewed ~~prior to no later than September~~October 2019.

Executive Director

Date of Approval



COLORADO Transportation Commission

4201 East Arkansas Avenue, Room270
Denver, CO 80222-3406

DATE: November 20, 2014
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: RAMP 3-6 SH 13 and US 6 Devolution to The City of Rifle

Purpose

Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality. Region 3 is requesting Commission approval to abandon a section of SH 13A and US 6D within the City limits of Rifle.

Action

CDOT Region 3 is requesting the Transportation Commission pass a resolution to allow for the abandonment of a portion of State Highway (SH) 13 (approximately 1.65 total miles) to the City of Rifle in perpetuity. Including the east-west portion of SH13 and a small segment of SH6 from the SH13 bypass interchange to our Whiteriver Avenue interchange and the service road from just west of Rifle Creek to its termination near the SH13 bypass (1.0 miles and 0.25 miles, respectively). Secondly, the connection of SH13 from Railroad south to the southern end of the H13 bridge (surface control only, 0.4 miles).

Background

Several local agencies have submitted requests to CDOT for the abandonment of portions of State Highways that meet the qualifications of Colorado Revised Statute 43-2-106 (1)(a). The abandonments require CDOT to pay the local agency a fee to assume ownership of the State Highway segment. The fee must be less than CDOT estimates it would be required to spend to maintain, preserve or improve the State Highway segment.

Details

The City of Rifle proposed to take ownership of this section of SH 13 and US 6 in exchange for a payment of \$5,600,000. The payment will be made with RAMP funds.

Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures.

Key Benefits

The fee of \$5,600,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 13 and US 6 over the next 20 years.

Next Steps

The City of Rifle has signed a resolution agreeing to the State's abandonment of the portion of SH 13 and US 6 and an IGA that said highway segment no longer serves the ongoing purposes of the State Highway system; committing The City of Rifle to assume ownership of said highway segment in the "as is" condition.

Within 90 days of the official notification of such abandonment by the Transportation Commission, The City of Rifle shall execute a resolution or ordinance accepting the abandoned portion of SH 13 and US 6 as a city street. Within 90 days of the date of execution of the City's Resolution or Ordinance accepting the abandoned portion of SH 13 and US 6, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT. Concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$5,600,000 the City of Rifle, and that shall constitute the total consideration from the State to the City of Rifle related to the abandonment and transfer of the Abandoned Highway

Attachments

Proposed resolution

Exhibit Depicting Abandonment Area

Project #: C 0131-064
Project Code: 20087
Location: SH 13 RAMP Devolution
City of Rifle

PROPOSED RESOLUTION

WHEREAS, The Department of Transportation owns 1.65 linear miles of Highway in the City of Rifle, Colorado identified as State Highway 13A (SH 13A) and State Highway 6D (US 6D);

WHEREAS, that portion of (1) 0.23 miles of SH 006D located from Milepost 92.00 to Milepost 92.23, and (2) 1.12 miles of SH 13A located from Milepost 0.24 to Milepost 1.36 plus the forgoing portion of SH 13A includes the SH 13A North Frontage Road located between the SH 13A Bypass and Rifle Creek. (Exhibit A);

WHEREAS, that forgoing portion of SH 13A includes only the surfaces of the bridge structure over the Colorado River (Structure No. F-05-R) and the bridge structure over the Union Pacific Railroad Tracks (Structure No. F-05-Q) (Exhibit A);

WHEREAS, Region 3 has determined that abandoning this portion of SH 13A and US 6D would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the City of Rifle proposed to take ownership of (1) 0.23 miles of SH 006D located from Milepost 92.00 to Milepost 92.23, and (2) 1.12 miles of SH 13A located from Milepost 0.24 to Milepost 1.36 plus the forgoing portion of SH 13A includes the SH 13A North Frontage Road located between the SH 13A Bypass and Rifle Creek, as described in Exhibit A which are attached hereto, in exchange for a payment of \$5,600,000.00 from CDOT;

WHEREAS, \$5,600,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 13A and US 6D over the next 20 years;

WHEREAS, the abandonment of the above referenced section of SH 13A and US 6D will be funded with Region 3 RAMP funds as approved on RAMP application 3-6;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Rifle pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City of Rifle will adopt a resolution, agreeing to the state's abandonment of the portion of SH 13A and US 6D, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Rifle to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 13A and US 6D, CDOT will execute a quitclaim deed;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$5,600,000.00 to the City of Rifle, and that shall constitute the total consideration from the State to the City of Rifle related to the abandonment and transfer of the abandoned highway;

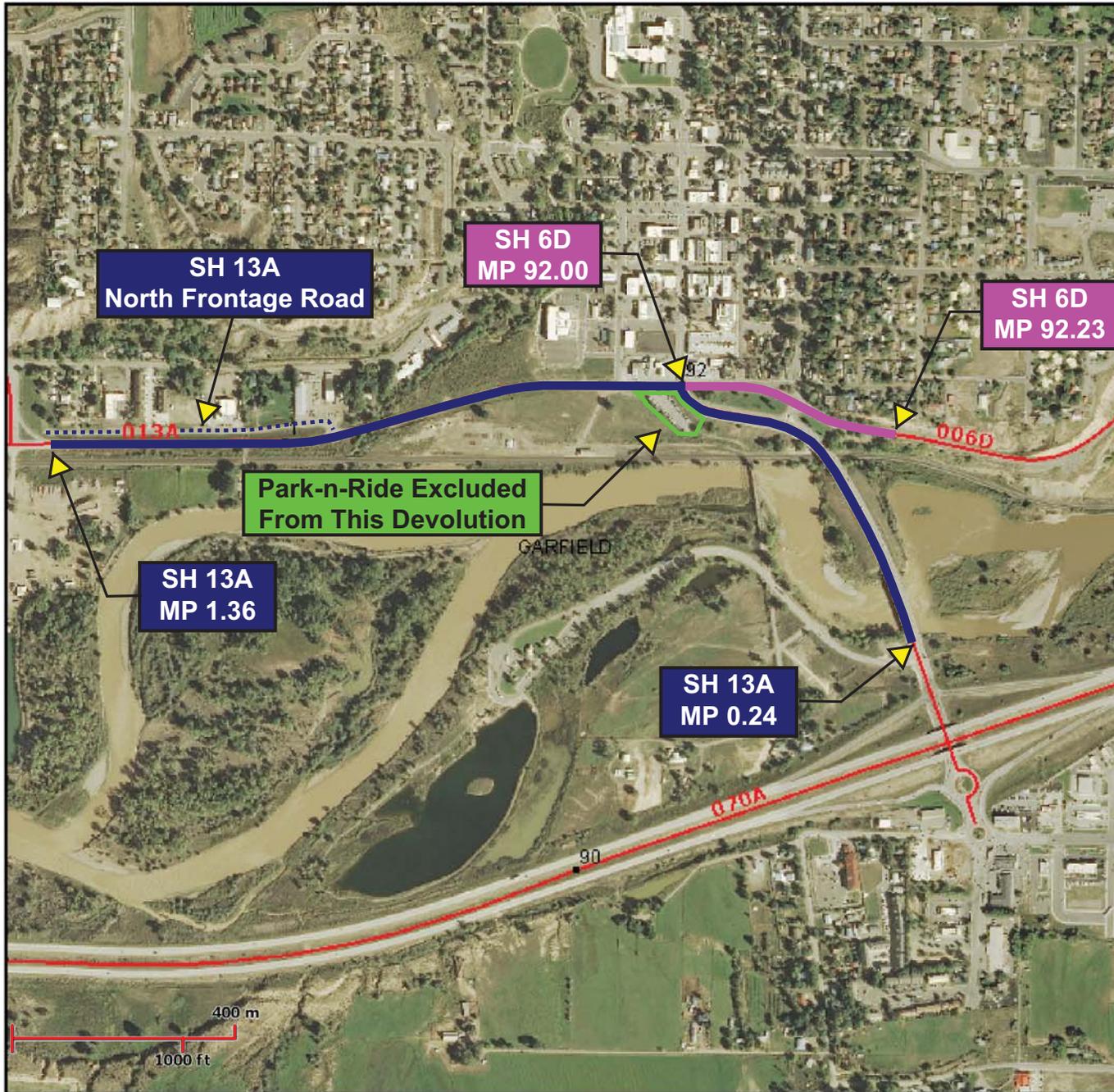
WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the portion of SH 13A and US 6D as shown in Exhibit A is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S. 43-2-106, the Department of Transportation be given authority to declare that portion of SH 13A and US 6D abandoned, as shown in Exhibit A.

Rifle Devolution
EXHIBIT "A"

Project No.: C 0131-064
Subacct #: 20087



Map scale 1:10,712
Created 2014/07/14 20:54:01 UTC
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The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".



COLORADO **Transportation Commission**

4201 East Arkansas Avenue, Room270
Denver, CO 80222-3406

DATE: November 20, 2014
TO: Transportation Commission
FROM: Joshua Laiply, P.E. Chief Engineer
SUBJECT: SH 24E Devolution to El Paso County

Purpose

Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality. Region 2 is requesting Commission approval to abandon a section of SH-24E in El Paso County.

Action

CDOT Region 2 is requesting the Transportation Commission pass a resolution to allow for the abandonment of SH 24E located between, and connecting 31st Street west to the SH 24A and SH 24E (Manitou Ave.) Interchange (Exhibit A).

Background

Several local agencies have submitted requests to CDOT for the abandonment of portions of State Highways that meet the qualifications of Colorado Revised Statute 43-2-106 (1)(a). The abandonments require CDOT to pay the local agency a fee to assume ownership of the State Highway segment. The fee must be less than CDOT estimates it would be required to spend to maintain, preserve or improve the State Highway segment.

Details

El Paso County proposed to take ownership of this section of SH 24E in exchange for a payment of \$2,602,475. The payment will be made with RAMP funds.

Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures.

Key Benefits

The fee of \$2,602,475 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 24E over the next 20 years.

Next Steps

El Paso County shall adopt a resolution agreeing to the State's abandonment of the portion of SH 24E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing El Paso County to assume ownership of said highway segment in the "as is" condition.

Within 90 days of the official notification of such abandonment by the Transportation Commission, El Paso County shall execute a resolution or ordinance accepting the abandoned portion of SH 24 as a city street. Within 90 days of the date of execution of the El Paso County Resolution or Ordinance accepting the abandoned portion of SH 24E,

CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT. Concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$2,602,475 El Paso County, and that shall constitute the total consideration from the State to El Paso County related to the abandonment and transfer of the Abandoned Highway

Attachments

Proposed resolution

Exhibit Depicting Abandonment Area

Project #: C R200-203
Project Code: 19965
Location: SH 24E Business
El Paso County

PROPOSED RESOLUTION

WHEREAS, The Department of Transportation owns 1.42 linear miles of Highway in El Paso, Colorado identified as State Highway 24E (SH 24E);

WHEREAS, that portion of SH 24E is located between, and connecting 31st Street west to the SH 24A and SH 24E (Manitou Ave.) Interchange (Exhibit A);

WHEREAS, Region 2 has determined that abandoning this portion of SH 24E would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, El Paso County proposed to take ownership of SH 24E from 31st Street west to the east side of the SH 24A and SH 24E (Manitou Ave) Interchange in El Paso County, as described in Exhibit A which are attached hereto, in exchange for a payment of \$2,602,475.00 from CDOT;

WHEREAS, \$2,602,475.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 24E over the next 20 years;

WHEREAS, the abandonment of the above referenced section of SH 24E will be funded with Region 2 Surface Treatment funds;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the County of El Paso pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the County of El Paso will adopt a resolution, agreeing to the state's abandonment of the portion of SH 24E, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the County of El Paso to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 24E, CDOT will execute a quitclaim deed;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$2,602,475.00 to the County of El Paso, and that shall constitute the total consideration from the State to the County of El Paso related to the abandonment and transfer of the abandoned highway;

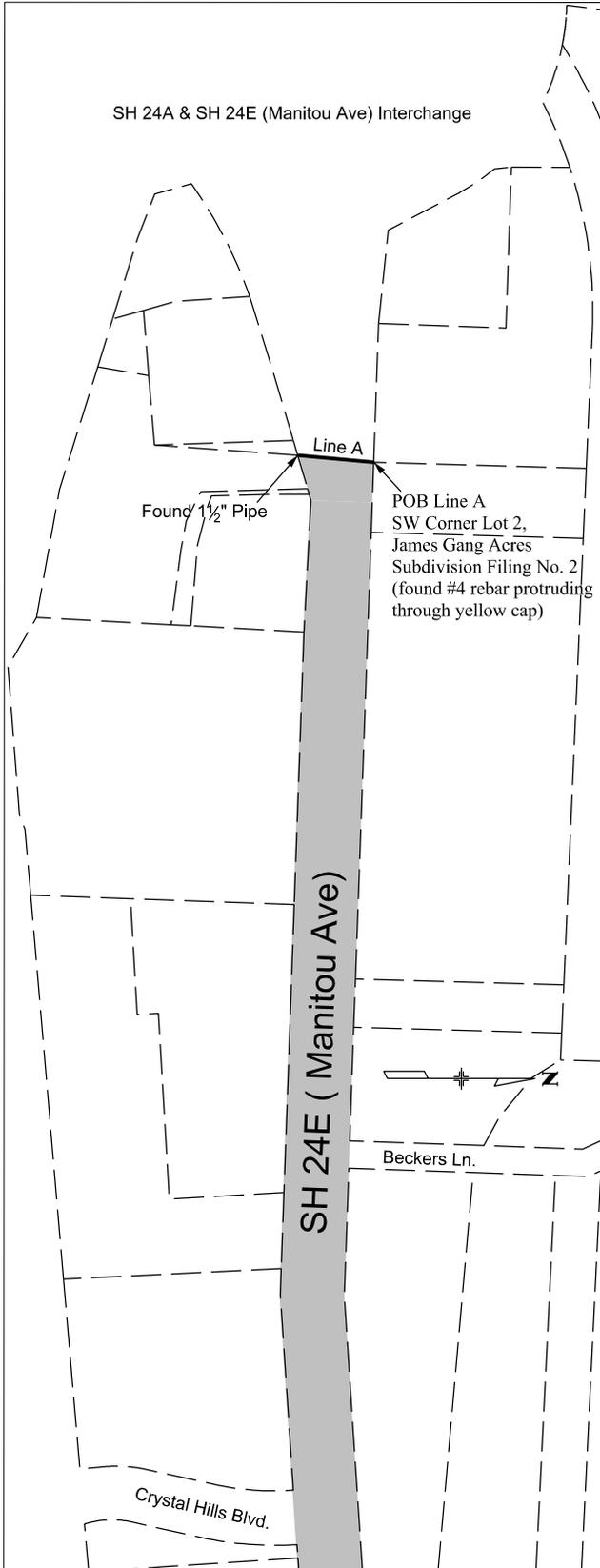
WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the portion of SH 24E as shown in Exhibit A is no longer needed for the state highway purposes;

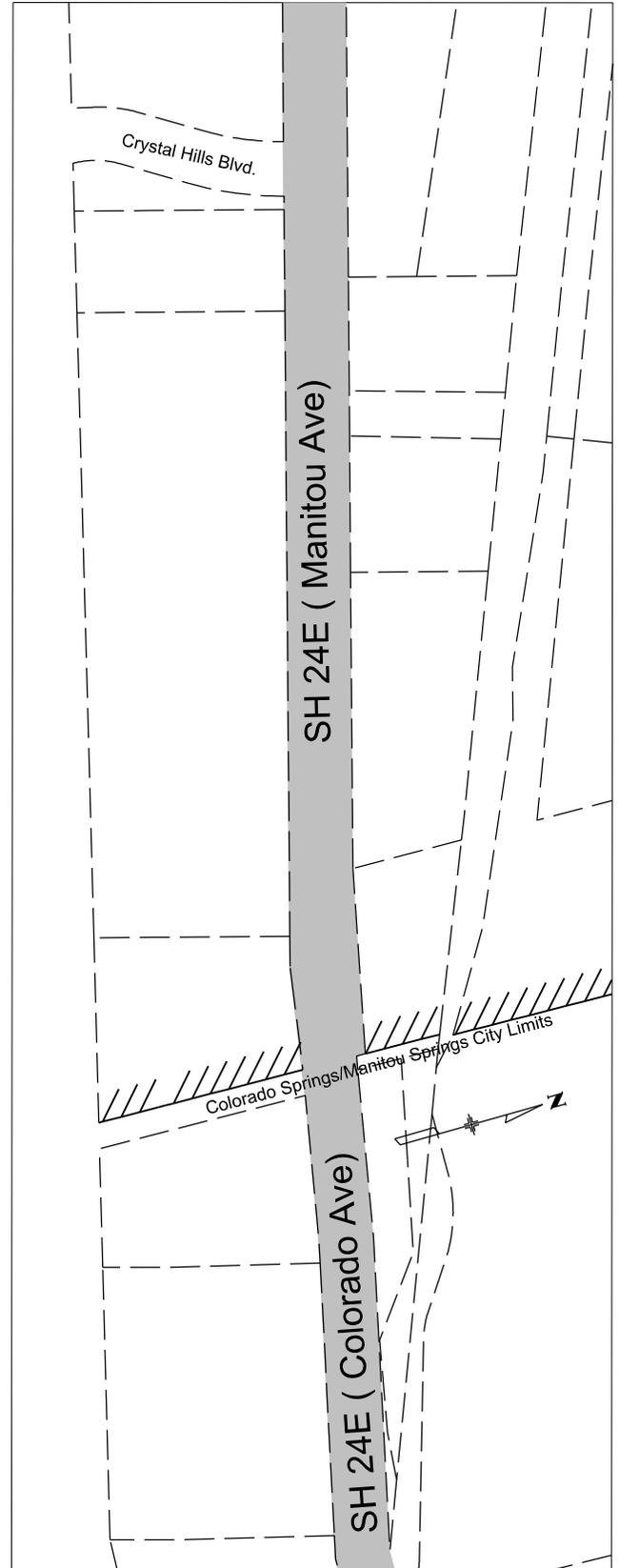
NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S. 43-2-106, the Department of Transportation be given authority to declare that portion of SH 24E abandoned, as shown in Exhibit A.

"EXIBIT A"
Page 1 of 4
SH 24E (Colorado/Manitou Ave)

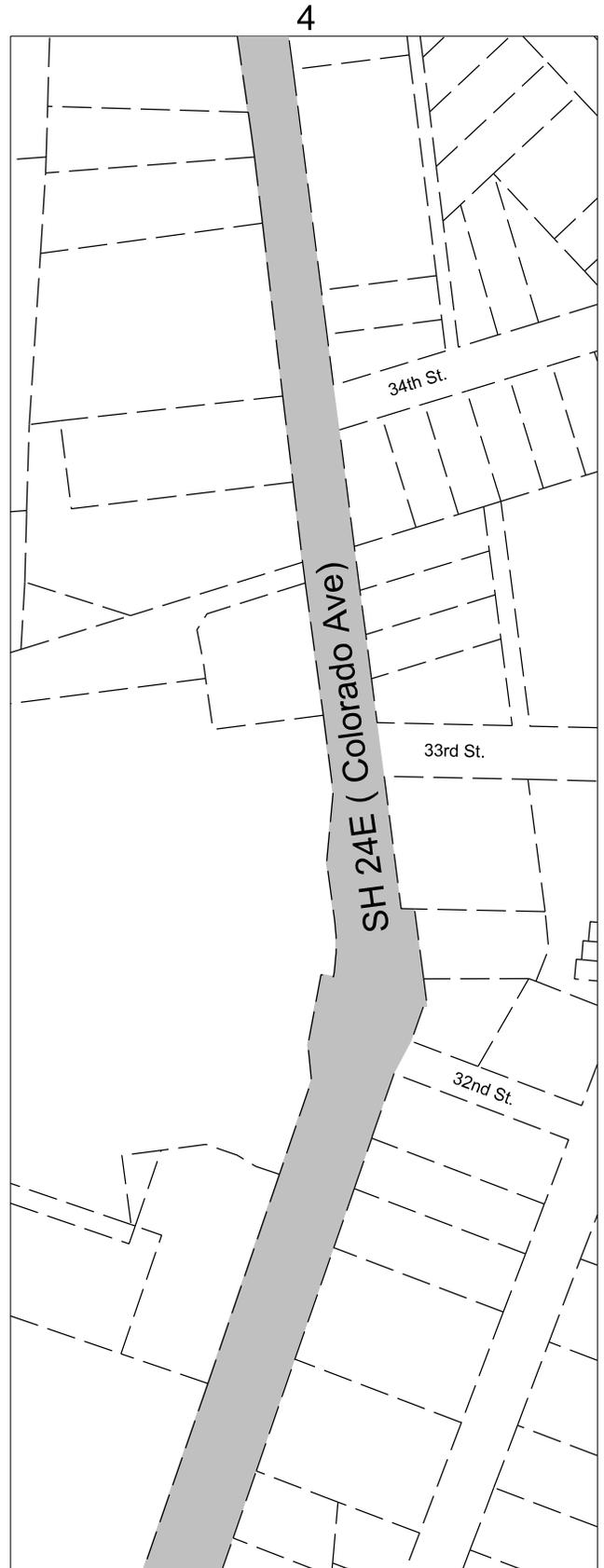
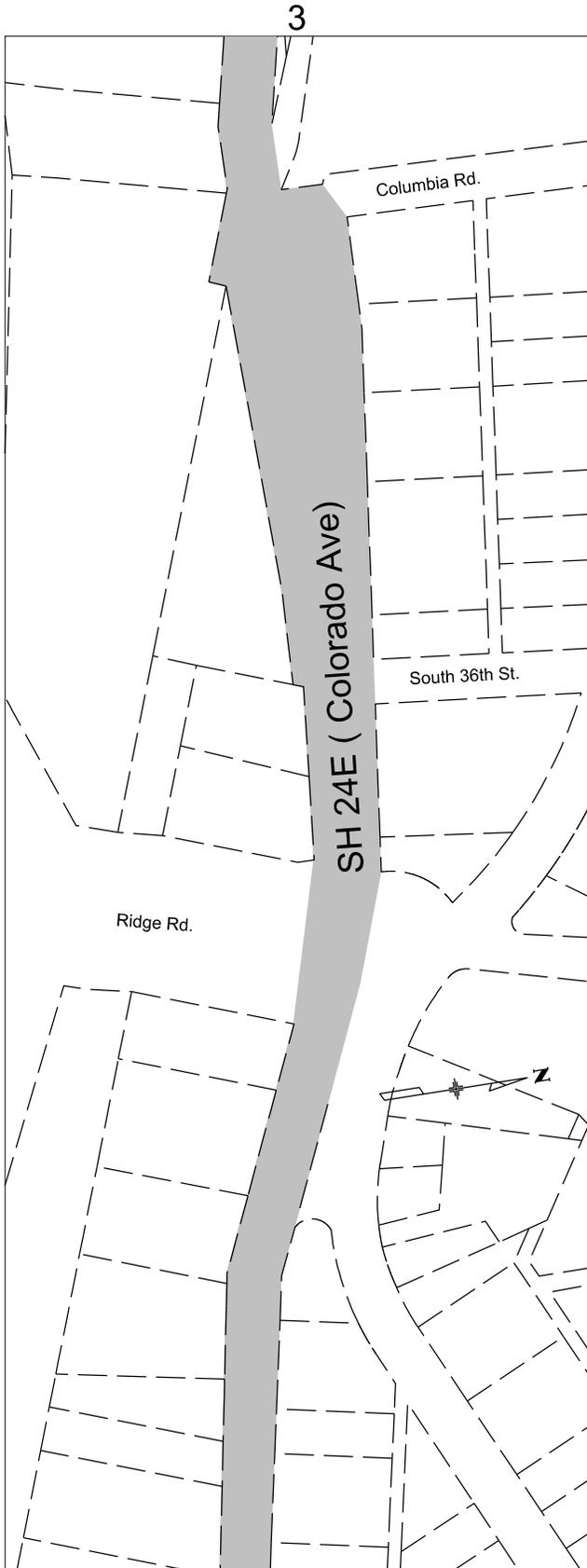
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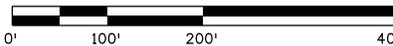
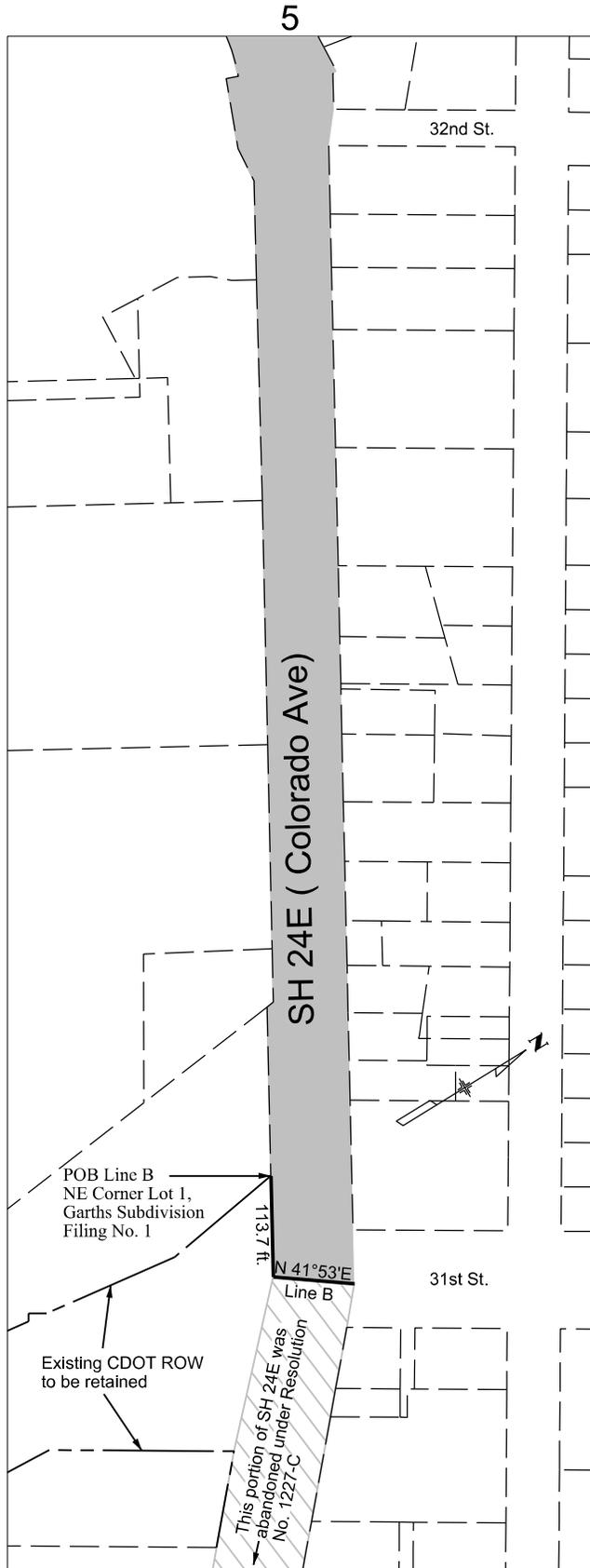
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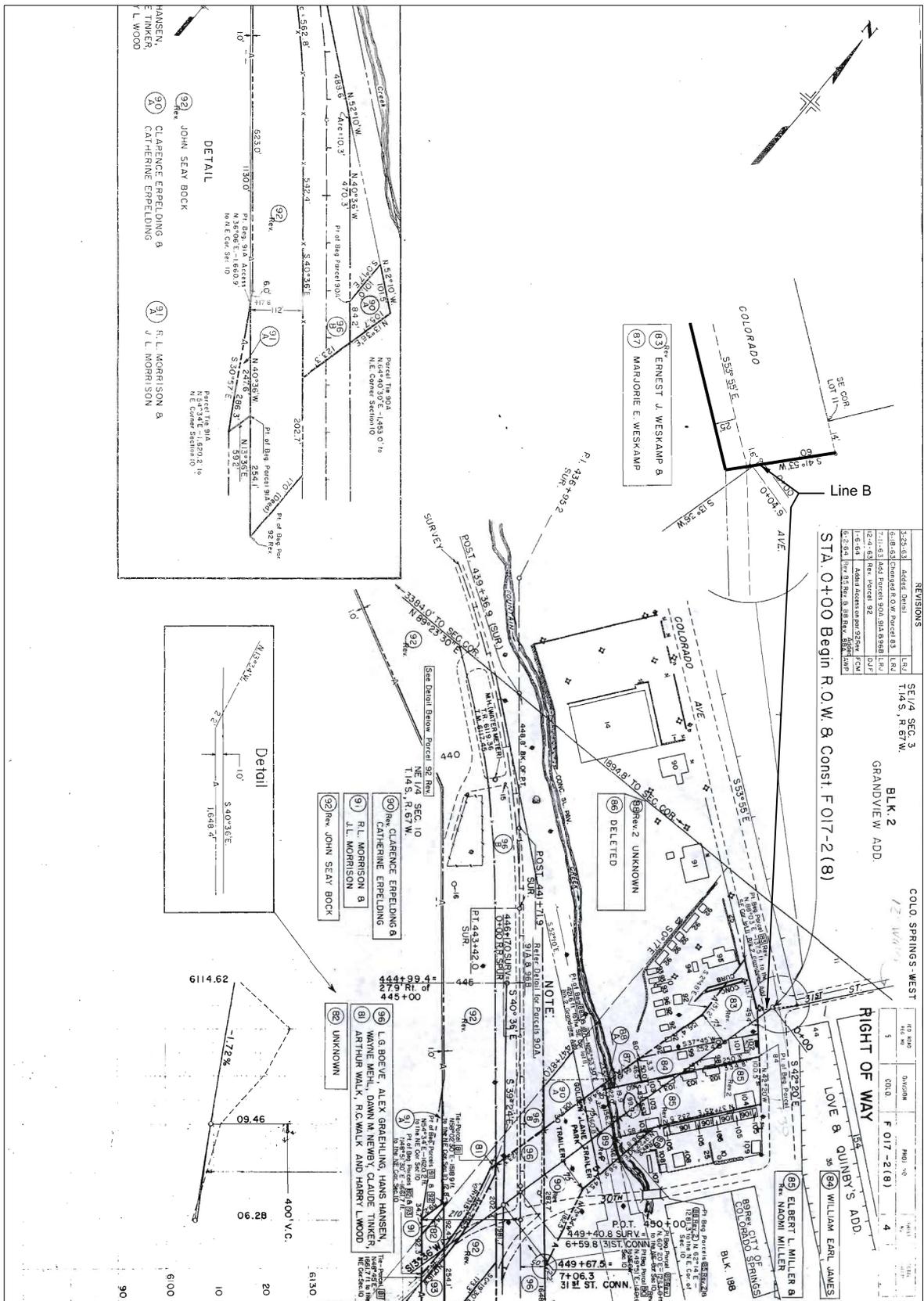
"EXHIBIT A"
Page 2 of 4
SH 24E (Colorado/Manitou Ave)



"EXIBIT A"
Page 3 of 4
SH 24E (Colorado/Manitou Ave)



"EXHIBIT A"
Page 4 of 4
SH 24E (Colorado/Manitou Ave)





COLORADO **Transportation Commission**

4201 East Arkansas Avenue, Room270
Denver, CO 80222-3406

DATE: November 20, 2014
TO: Transportation Commission
FROM: Joshua Laiply, P.E. Chief Engineer
SUBJECT: Disposal of Parcel 24-EX (SH 160 R5)

Purpose

Colorado Revised Statute 43-1-210 requires approval by the transportation Commission to property "Excess". Region 5 is requesting Commission Approval to declare Parcel 24-EX on SH 160 in Durango Excess Property.

Action

CDOT Region 5 is requesting the Transportation Commission pass a resolution to declare Parcel 24-EX on SH 160 in Durango Excess Property.

Background

CDOT will dispose of the property at fair market value in accordance with 43-1-210(5).

Details

CDOT Region 5 intends to dispose of this property to Animas High School Building Corporation (Animas HS). Animas HS intends to use the property to construct a pedestrian trail, a retaining wall and parking spaces.

Key Benefits

CDOT will obtain fair market value from the disposal of this property. CDOT will also elevate the need to maintain this property.

Next Steps

CDOT has appraised this property, and will sell it for fair market value in accordance with Colorado Revised Statute 43-1-210(5)

Attachments

Proposed resolution
24-EX Parcel Exhibit

PROJECT #: F022-1 (25)
PARCEL: 24-EX
LOCATION: SH 160, Durango
COUNTY: La Plata

PROPOSED RESOLUTION

WHEREAS, the Colorado Department of Transportation acquired 24-EX for SH 160 right of way; and

WHEREAS, Parcel 24-EX contain a total of 0.403 acres and is located in the north side of the SH 160 in Durango, La Plata County, Colorado; and

WHEREAS, CDOT Region 5 has made the determination that Parcel 24-EX is no longer needed for transportation purposes; and

WHEREAS, CDOT Region 5 desires to sell Parcel 24-EX for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the sale of Parcel 24-EX will not affect the design, construction or utility of SH 160; and

WHEREAS, the Department of Transportation, Region 5, recommends that the property described as 24-EX of Project F022-1 (25)1 be declared excess property; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n), 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Department of Transportation, has declared through its Chief Engineer, that Parcel 24-EX is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 24-EX is no longer needed for transportation purposes.

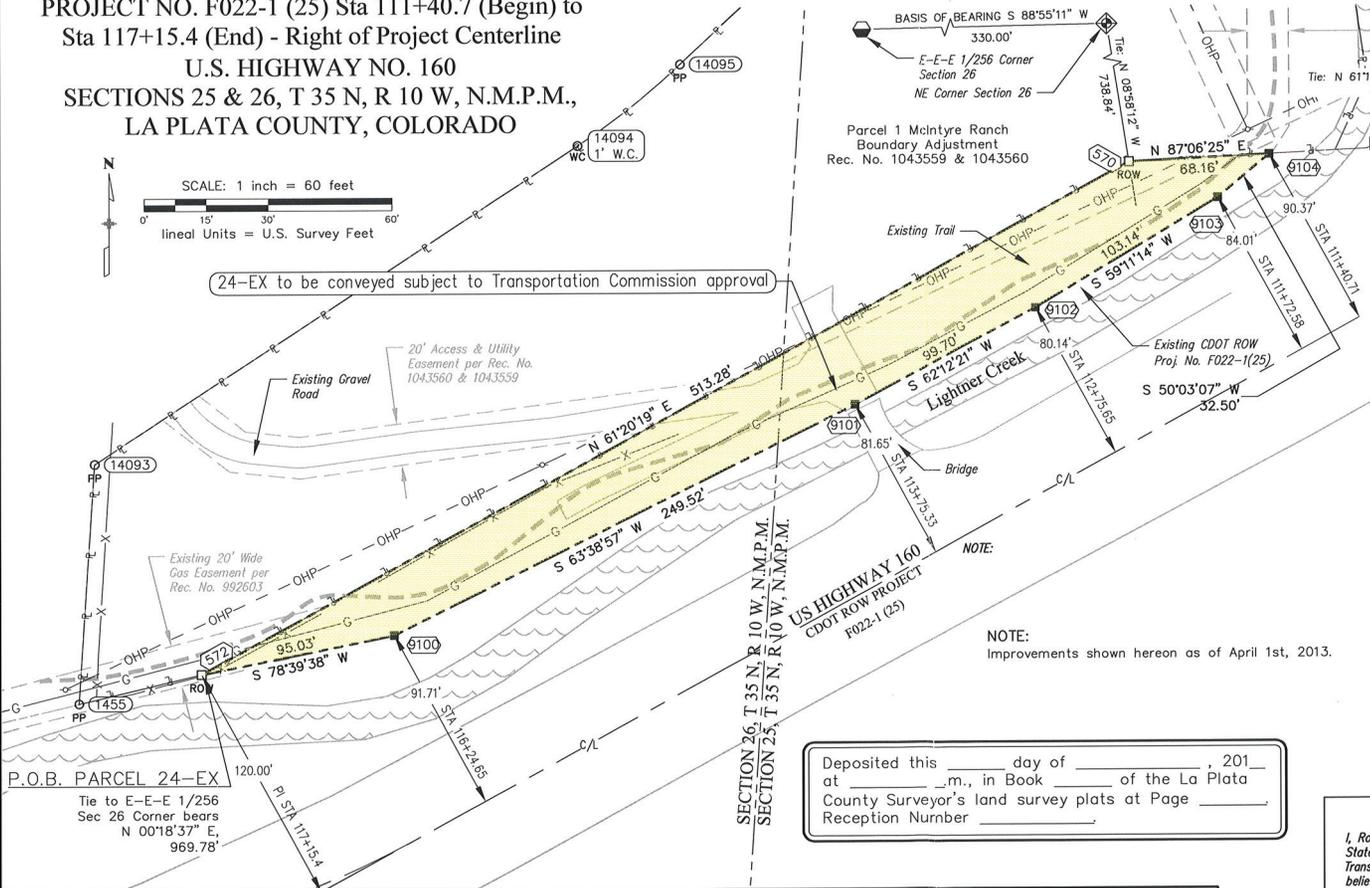
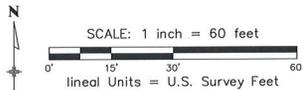
NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 24-EX of Project F022-1 (25) containing a total of 0.403 acres more or less.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials

Right of Way Plans		
Plan Sheet		
Project Number:	F022-1 (25)	
Project Location:	Parcel 1 McIntyre Ranch	
	US HWY 160 STA 111+40.7 TO STA 117+15.4	
Project Code:	Last Mod. Date	Sheet No.
	11/18/2013	7.01

DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO
RIGHT OF WAY PLANS OF PROPOSED
PROJECT NO. F022-1 (25) Sta 111+40.7 (Begin) to
Sta 117+15.4 (End) - Right of Project Centerline
U.S. HIGHWAY NO. 160
SECTIONS 25 & 26, T 35 N, R 10 W, N.M.P.M.,
LA PLATA COUNTY, COLORADO



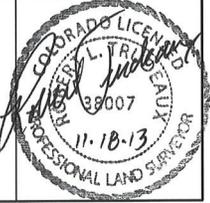
TABULATION OF R.O.W. MONUMENTS TO BE SET			
Point	Northing (ft)	Easting (ft)	Description
9100	1227650.11	2296198.16	Type 1 CDOT Monument 3/4" Alum. Cap on a 3/4" Dia. Alum. Finned Rod Stamped PLS 38007
9101	1227760.86	2296421.76	Type 1 CDOT Monument 3/4" Alum. Cap on a 3/4" Dia. Alum. Finned Rod Stamped PLS 38007
9102	1227807.35	2296509.95	Type 1 CDOT Monument 3/4" Alum. Cap on a 3/4" Dia. Alum. Finned Rod Stamped PLS 38007
9103	1227860.18	2296598.53	Type 1 CDOT Monument 3/4" Alum. Cap on a 3/4" Dia. Alum. Finned Rod Stamped PLS 38007
9104	1227881.05	2296623.45	Type 1 CDOT Monument 3/4" Alum. Cap on a 3/4" Dia. Alum. Finned Rod Stamped PLS 38007

TABULATION OF FOUND MONUMENT COORDINATE TABLE			
Point	Northing (ft)	Easting (ft)	Description
6	1227885.56	2296675.41	Found a 3-1/4" Aluminum Cap C.D.O.T. stamped 9187 (Witness Corner)
108	1228026.68	2296932.82	Found a 3-1/4" Aluminum Cap C.D.O.T. stamped 9187
570	1227877.61	2296555.38	Found a 3-1/4" Aluminum Cap C.D.O.T. stamped 9187
572	1227631.42	2296104.99	Found a 3-1/4" Aluminum Cap C.D.O.T. stamped 9187
1001	1228607.42	2296440.18	Found a 1" pipe with a 2-1/2" Brass Cap G.L.O. Monument
1002	1228601.19	2296110.24	Found a 3/4" rebar with a 2" Aluminum Cap stamped 12027
1455	1227617.46	2296045.68	Found a 5/8" rebar with a 1-1/2" Aluminum Cap stamped 33640
14093	1227733.22	2296053.34	Found a 5/8" rebar with a 1-1/2" Aluminum Cap stamped 33640
14094	1227886.39	2296287.45	Found a 5/8" rebar with a 1-1/2" Aluminum Cap stamped 33640 W.C. 1.0'
14095	1227925.59	2296337.56	Found a 5/8" rebar with a 1-1/2" Aluminum Cap stamped 33640

Deposited this _____ day of _____, 201____
at _____m., in Book _____ of the La Plata
County Surveyor's land survey plats at Page _____
Reception Number _____

R.O.W. TABULATION OF PROPERTIES IN LA PLATA COUNTY U.S. HIGHWAY 160						
PARCEL NO.	OWNER	ADDRESS	LOCATION	PARCEL AREA	RECEPTION NO.	REMARKS
24-EX to be conveyed subject to Transportation Commission approval	Colorado Department of Transportation	4201 East Arkansas Ave. Denver, CO 80222	PORTION OF SECTION 25 & 26, T 35 N, R 10W, N.M.P.M.	17,535.77 SQ. FT.		Conveyed to Animas High School

SURVEYOR STATEMENT (ROW MONUMENTS)
I, Robert L. Trudeau, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.



PLS No. 38007



COLORADO
Transportation Commission

4201 East Arkansas Avenue, Room270
Denver, CO 80222-3406

DATE: November 20, 2014
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: RAMP-SH 2 Devolution in Commerce City

THIS SECTION IS TO CORRECT A CLERICAL ERROR IN THE AGENDA PACKET OF OCTOBER 2014. THE MATERIAL FOR SH2 WAS INADVERTENTLY REPLACED WITH DUPLICATE INFORMATION FOR SH67 INSTEAD. THIS IS A REQUEST TO APPROVE THE DEVOLUTION WITH THE CORRECT SH2 INFORMATION ATTACHED.

Purpose

Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality. Region 1 is requesting Commission approval to declare abandon a section of SH-2 in Commerce City.

Action

CDOT Region 1 is requesting the Transportation Commission pass a resolution to allow for the abandonment of SH 2 from mile marker 11.100 to mile marker 19.776.

Background

Several local agencies have submitted requests to CDOT for the abandonment of portions of State Highways that meet the qualifications of Colorado Revised Statute 43-2-103 (1)(a). The abandonments require CDOT to pay the local agency a fee to assume ownership of the State Highway segment. The fee must be less than CDOT estimates it would be required to spend to maintain, preserve or improve the State Highway Segment.

Details

Commerce City proposed to take ownership of SH 2 from mile marker 11.100 to mile marker 19.776 as depicted in Exhibit A which is attached hereto, in exchange for a payment of \$15,700,000 from CDOT, of which \$13,600,000 is from RAMP Funds and \$2,100,000 is from Faster Safety Funds.

Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures.

Key Benefits

The fee of \$15,700,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 over the next 20 years.

Next Steps

Commerce City shall adopt a resolution agreeing to the State's abandonment of the portion of SH 2 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing Commerce City to assume ownership of said highway segment in the "as is" condition.

Within 90 days of the official notification of such abandonment by the Transportation Commission, Commerce City shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street. Within 90 days of the date of execution of the Commerce City Resolution or Ordinance accepting the abandoned portion of SH 2, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT. Concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$15,700,000.00 to Commerce City, and that shall constitute the total consideration from the State to Commerce City related to the abandonment and transfer of the Abandoned Highway

Attachments

Exhibit depicting the referenced segment of SH 2

Proposed resolution

PROJECT #: STA 0021-040
PROJECT CODE: 19970
LOCATION: SH 2, 62nd Ave to I-76
Municipality: Commerce City

PROPOSED RESOLUTION

WHEREAS, the Department of Transportation owns 8.676 linear miles of Highway in Commerce City identified as State Highway 2 (SH 2);

WHEREAS, that portion of SH 2 is located between US 6/US 85 and I-76, beginning at northerly right of way line of 62nd Avenue and ending near the southeasterly right of way line of I-76 (Exhibit A);

WHEREAS, Region 1 has determined that abandoning this portion of SH 2 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute 43-2-103 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the affected county or municipality will assume ownership of the above mentioned roads in “as is” condition in exchange for a specific dollar amount to be paid by CDOT to the local governing body on the date of the transfer of ownership of this specified road segments;

WHEREAS, Commerce City proposed to take ownership of SH 2 from mile marker 11.100 to mile marker 19.776 as depicted in Exhibit A which is attached hereto, in exchange for a payment of \$15,700,000 from CDOT, of which \$13,600,000 is from RAMP Funds and \$2,100,000 is from Faster Safety Funds;

WHEREAS, \$15,700,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 over the next 20 years;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by Commerce City pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of Commerce City shall adopt a resolution agreeing to the State’s abandonment of the portion of SH 2 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing Commerce City to assume ownership of said highway segment in the “as is” condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, Commerce City shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street;

WHEREAS, within 90 days of the date of execution of the Commerce City Resolution or Ordinance accepting the abandoned portion of SH 2, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$15,700,000.00 to Commerce City, and that shall constitute the total consideration from the State to Commerce City related to the abandonment and transfer of the Abandoned Highway;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined SH 2 between mile marker 11.100 to mile marker 19.776 is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-2-106 the Department of Transportation be given authority to abandon that portion of SH 2 from mile marker 11.100 to mile marker 19.776 containing approximately 8.676 miles.

SH 2 Devolution Limits



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Print Date: 9/15/2014		Sheet Revisions		Colorado Department of Transportation		As Constructed		SH 2 Devolution		Project No./Code	
File Name: 19970DES_overview.dgn		Date:	Comments	Init.	 2000 South Holly Street Denver, CO 80222 Phone: 303-757-5991 FAX: 303-757-9059 Region 1	No Revisions:		Structure		STA 0021-040	
Horiz. Scale: 1:3300 Vert. Scale: As Noted						Revised:	Designer: XXXXXXXX	Numbers	X-XX-XX	19970	
Unit Information Unit Leader Initials						Void:	Detailer: XXXXXXXX	Numbers	X-XX-XX	Sheet Number	
							Sheet Subset: XXXXXXXX	Subset Sheets: XXX of XXX		1	

Beginning Devolution
SH 2 MP 11.1 @ 62nd Ave



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Print Date: 9/15/2014		Sheet Revisions Date: Comments Init.		Colorado Department of Transportation  2000 South Holly Street Denver, CO 80222 Phone: 303-757-5991 FAX: 303-757-9059 Region 1		As Constructed No Revisions:		SH 2 Devolution Exhibit		Project No./Code STA 0021-040 19970 Sheet Number 1	
File Name: 19970DES_Plan#.dgn											
Horiz. Scale: 1:500 Vert. Scale: As Noted				Region 1 DJH		Void: Sheet Subset: XXXXXX Subset Sheets: XXX of XXX					
Unit Information Unit Leader Initials											

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Print Date: 9/15/2014		Sheet Revisions Date: Comments Init.		Colorado Department of Transportation  2000 South Holly Street Denver, CO 80222 Phone: 303-757-5991 FAX: 303-757-9059 Region 1		As Constructed No Revisions:		SH 2 Devolution Exhibit		Project No./Code STA 0021-040 19970 Sheet Number 2	
File Name: 19970DES_Plan#.dgn											
Horiz. Scale: 1:500 Vert. Scale: As Noted				 Region 1		Void: Sheet Subset: XXXXXX Subset Sheets: XXX of XXX					
Unit Information Unit Leader Initials				DJH							



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Print Date: 9/15/2014	Sheet Revisions			 Colorado Department of Transportation 2000 South Holly Street Denver, CO 80222 Phone: 303-757-5991 FAX: 303-757-9059 Region 1	As Constructed		SH 2 Devolution Exhibit		Project No./Code		
File Name: 19970DES_Plan#.dgn	Date:	Comments	Init.		No Revisions:			STA 0021-040		19970	
Horiz. Scale: 1:500					Revised:	Designer: XXXXXXXX	Structure Numbers	X-XX-XX	Sheet Number		3
Unit Information					Void:	Detailer: XXXXXXXX	Subset Sheets: XXX of XXX				



Ending Devolution SH 2
 @ Ending of BNSF STR E-17-UH MP 19.776

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Print Date: 9/15/2014		Sheet Revisions			Colorado Department of Transportation		As Constructed		SH 2 Devolution Exhibit		Project No./Code	
File Name: 19970DES_Plan#.dgn		Date:	Comments	Init.	 2000 South Holly Street Denver, CO 80222 Phone: 303-757-5991 FAX: 303-757-9059 Region 1 DJH		No Revisions:		Designer: XXXXXXXX Structure X-XX-XX Detailer: XXXXXXXX X-XX-XX		STA 0021-040	
Horiz. Scale: 1:500 Vert. Scale: As Noted							Revised:				19970	
Unit Information Unit Leader Initials							Void:		Sheet Subset: XXXXXXXX Subset Sheets: XXX of XXX		Sheet Number 4	

Attachment B

Resolution # TC-

RESOLUTION FOR THE FY 2015-2016 BUDGET

WHEREAS, in accordance with § 43-1-113 (2), C.R.S. the Transportation Commission of Colorado is required to formally approve and submit a proposed budget allocation plan for the moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2015 to the Joint Budget Committee, the House Transportation Committee, the Senate Transportation Committee and the Governor on or before December 15, 2014 for their review and comment; and

WHEREAS, the Delphi workgroup—a group comprised of the Executive Director and other members of Senior Management, Regional Transportation Directors, Asset Managers and staff from the Division of Transportation Development and the Office of Financial Management and Budget as well as the Regions—met on January 30, 2014 and came to consensus on a recommendation to the Asset Management Committee of the Commission for the Fiscal Year 2015-2016 budget and RAMP program (sized at \$150 Million annually) for all asset management programs; and

WHEREAS, the chart below shows the baseline Fiscal Year 2015-2016 budget recommendations and the recommended FY 2015-2016 RAMP program allocations for each asset.

(In Millions)	FY16 Delphi Baseline Budget	FY16 Budget Recommendation to TC	Delphi RAMP \$150M Average	FY16 Budget Total With RAMP
Surface Treatment	\$149.5	\$149.5	\$86.4	\$235.9
Bridge, BE & Bridge Fixed Costs	\$140.3	\$140.3	\$23.8	\$164.1
MLOS	\$254.4	\$254.4	\$0.0	\$254.4
Road Equipment	\$11.5	\$11.5	\$6.9	\$18.4
ITS Investments	\$10.0	\$10.0	\$11.4	\$21.4
Geohazard Mitigation	\$5.1	\$5.1	\$4.1	\$9.2
Buildings	\$1.0	\$1.0	\$11.9	\$12.9
Tunnels	\$2.5	\$2.5	\$2.7	\$5.2
Culverts	\$3.6	\$3.6	\$4.6	\$8.2
Walls	\$0.0	\$0.0	\$2.4	\$2.4
Traffic Signals	\$1.5	\$1.5	\$4.2	\$5.7
Total	\$579.4	\$579.4	\$158.4	\$737.8

WHEREAS, under Policy Directive 703.0, those Asset Management programs with Transportation Commission approved metrics shall rely on statewide asset management models to develop their projects lists and those without approved metrics shall provide project lists to the Transportation Commission; and

WHEREAS, the Delphi presentation by the Tunnel Program included a baseline request for \$2.5 Million and RAMP request of \$2.7 Million. Proposed projects for these funds are as follows:

- \$0.3 Million for Fire System
- \$0.4 Million for a Transformer
- \$0.1 Million for Fire Control Panel Upgrade
- \$0.1 Million for Fan Monitoring Relays
- \$0.1 Million for Digital Voice Upgrade
- \$0.3 Million for Tunnel Control Servers
- \$0.1 Million for Control Room Upgrade
- \$1.6 Million for Upgrade Cameras
- \$0.3 Million for Fiber Optic Design
- \$1.9 Million for Inspection Program

WHEREAS, the Delphi presentation by the Geohazard Mitigation Program included a baseline request for \$5.1 Million and RAMP request of \$4.1 Million. Proposed projects for these funds are as follows:

- \$5.5 Million for Corridor Risk Reduction Projects
- \$1.4 Million for High Risk Site Outside Corridor Projects
- \$2.3 Million for Geohazard Management

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's FY 2015-2016 budget allocation plan for the period beginning July 1, 2015, including \$579.4 Million allocated to Asset Management Programs as indicated above, and approved by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2014.

BE IT FURTHER RESOLVED, that the Colorado Transportation Commission accepts staff recommendations for funding RAMP Asset Management in FY 2015-2016 with modifications outlined in this resolution and with the understanding that staff will implement the projects and spirit and intent of the plans as presented to the Transportation Asset Management Committee or shall return to that Committee for approval of revision to those projects or plans.

Transportation Commission Secretary

Date

Resolution Number:

Approving the creation and implementation of an \$8 million Statewide Project Supplemental Fund

Approved by the Transportation Commission on November 20, 2014

WHEREAS, pursuant to § 43-1-106(8)(h), C.R.S., the Colorado Transportation Commission (“Commission”) is charged with promulgating and adopting all Department budgets; and

WHEREAS, the Transportation Commission Contingency Reserve Fund (“TCCRF”) was established to provide the Commission with discretionary funding; and

WHEREAS, the Program Management Governance Committee has recommended qualifications pertaining to the usage of the proposed Statewide Project Supplemental Fund and those qualifications were presented to the Transportation Commission on November 19, 2014; and

WHEREAS, the Commission intends that Policy Directive 703.0 will help define the requisite approval levels for the proposed Statewide Project Supplemental Fund, requiring Transportation Commission approval for requests of \$1 million or more; and

NOW THEREFORE BE IT RESOLVED, the Commission authorizes a sub-account of its Transportation Commission Contingency Reserve Fund in the amount of \$8 million from the balance of the TCCRF for the implementation of the Statewide Project Supplemental Fund.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date