

**Transportation Commission of Colorado**  
**Regular Meeting Minutes**  
**April 21, 2016**

**Chairwoman Kathy Connell convened the meeting at 9:05 a.m. at the CDOT Headquarters in Denver.**

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

EXCUSED:

Kathy Hall, District 7  
Nolan Schriener, District 9

ALSO PRESENT: Shailen Bhatt, Executive Director  
Michael Lewis, Deputy Executive Director  
Josh Laipply, Chief Engineer  
Debra Perkins-Smith, Director of Transportation Development  
Maria Sobota, CFO  
Herman Stockinger, Government Relations Director  
Paul Jesaitis, Region 1 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Mike McVaugh, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel  
Scott McDaniel, Staff Services Director  
David Spector, HPTE Director  
Ryan Rice, Operations Division Director  
Mark Imhoff, Director of Transit and Rail  
Vince Rogalski, STAC Chairman  
David Ulane, Director of Aeronautics  
John Cater, FHWA Administrator  
Chris Wedor, Director of Audit Division

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**

Chairwoman Connell opened the meeting for general public comment.

Chairwoman Connell noted there would be a public comment period for the STIP Draft immediately following the Bridge Enterprise Board of Directors meeting.

Jim Sooby, President of the Colorado Rail Passenger Association spoke to the restoration of the Ski Train. His organization has worked closely with Winter Park and Amtrak to bring the train back to life. The association strongly supports the resolution for the Ski Train.

Gary Defrange, President of the Winter Park resort gave a brief history of the ski train. He stated that a lot of work has gone into restoring the ski train, and are now in a position to do that. The infrastructure is there, the trains are there, and they could start in 2017. Winter Park asks the Commission to support this resolution to bring back the Ski Train.

Happy Haynes, Director of Denver Parks and Recreation echoed the thoughts of Gary and Jim in support of funding the Ski Train. Denver has supported this partnership and looks forward to the Ski Train returning.

### **Executive Director's Report**

Executive Director Bhatt recognized a few new faces in the room, Region 5 RTD Mike McVaugh and Audit Director Chris Wedor. He also thanked Dave Eller and R3 folks for their hard work to re-open I-70 after the rock fall event. Finally he stated that he is proud of the number of projects that have recently opened in the area.

### **Individual Commissioner Comments**

Commissioner Zink attended two TPR's in April. At one, Mike Timlin gave a great presentation about the possibilities of intercity bus service throughout the state. Additionally, she thanked Nancy Shanks for her years of service in the area as communications manager and welcomed Mike McVaugh as new RTD.

Commissioner Peterson has been busy in Region 2. He attended meetings with Jefferson County, and the Jefferson County VFW. He thanked Paul Jestaitis for assisting him at those meetings. Additionally, he thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Thiebaut attended the Region 2 Remembrance Day meeting earlier in the month. He appreciated the event and thought that Karen, Maria and John Cater all did a great job at the event and was reminded of the sacrifices employees have made for the state. He also put his thoughts out to Commissioner Schrinier as he recovers from surgery.

Commissioner Gifford noted that she has heard a lot from people involved with the Ski Train, and is excited that this great asset to the state might be returning. She also thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Barry gave a report out on the DBE committee meeting. She stated that it was a great opportunity to hear the stories and challenges DBE's face. Additionally, in the month of April, she attended the North I-25 Shoulder Lanes opening.

Commissioner Gilliland stated that she thought the DBE event was robust and exhilarating. She had a very busy month of April. In her district, there was a scenic byways project that was going to be shut down. However thanks to the help of Paul Jesaitis and John Vetterling, the project will go ahead. Additionally she brought up how great the local support has been for the TIGER grant to expand North I-25. Finally, she attended the express lane opening on I-25, and was excited to hear about the traffic improvements the lanes have offered.

Commissioner Reiff thanked Ron Papsdorf for setting up a great trip to Washington DC for him, Chairwoman Connell, and Shailen. He also took a moment to discuss how impressed he has been with the PPSL project. He stated he drove it 6 years ago when the project was proposed, but never imagined it would work and look like it does.

Chairwoman Connell thanked Commissioner Barry for the very successful DBE meet and greet, and gave Dave Eller kudos for opening up I-70 in a prompt fashion after the rock fall event.

### **Chief Engineer's Report**

Chief Engineer Josh Laipply mentioned that the Director of FHWA made it out to the I-25 managed lanes project and discussed a number of freight items in the area. CDOT submitted four FASTLANE grants thanks to staff's hard effort. He believes the grants were very strong and impressive.

### **HPTE Director's Report**

HPTE director David Spector reported that the HPTE retreat was very successful. He also stated that the projects on I-25 are going successfully as well. He noted that on US 36, there has been a 20-29% improvement in speeds since the toll lanes have opened. He then gave an update on the status of the Central 70 and C-470 projects. C-470 has selected a bidder, while Central 70 is still in the bidding process

### **FHWA Division Administrator Report**

FHWA Division Administrator John Cater spoke about the performance measures from Map21. The final rules have been published for how to follow and take part in this important program. These are the first rules of many that will be coming through. This will help better quantify how transportation is performing throughout the country. Additionally, he mentioned that last week was national work zone safety week. He complemented CDOT for holding their remembrance day events.

### **STAC**

Vince Rogalski updated the commission on STAC's meeting in March. He highlighted that statewide plan process is going through a lessons learned activity. He noted that as the plans progress, they are improving every year thanks to the lessons learned process. He also noted that changes to the STIP go through the regional MPOs and TPR's. Finally, Tony DeVito gave an update on the Central 70 program to STAC.

### **Act on Consent Agenda**

Commissioner Thiebaut complimented staff for their work on the Safe Routes To School Program. He believes this is a great program that benefits the state greatly.

Commission Peterson echoed Commissioner Thiebaut's comments on the Safe Routes to School Program.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Thiebaut moved for approval of the resolution, and Commissioner Peterson seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-16-4-1**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for March 17, 2016, are approved.

**Additions to FY 16 Maintenance \$50,000 to \$150,000 (Kyle Lester)**

**Resolution #TC-16-4-2**

**Resolution #TC-16-4-2**

Fiscal Year 2016 over \$50,000 project list approval

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

**WHEREAS**, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance/traffic crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

**WHEREAS**, CDOT staff have prepared a cost estimate for these projects to be done in Fiscal Year 2016 as detailed in the memorandum entitled; Region 4 Traffic to FY 16 over \$50,000.00

**WHEREAS**, the funding for this project is contained in the Fiscal Year 2016/17 Budget.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
Hwy 66/US 85	51.2		Signal Build	\$108,181.00
<b>Total – Region 4 Traffic</b>				<b>\$108,181.00</b>

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
O7A	8.0	9.0	Overlay	\$120,000.00
<b>Total – Region 4 Section 1</b>				<b>\$120,000.00</b>

Sufficient funds exist within the appropriate MPA's to pursue this project. The project is in accordance with the directive and all other requirements.

Herman Stockinger  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**Federal Lands Access Program Applications**  
**Resolution #TC-16-4-3**

CDOT Submittal of Federal Lands Access Program (FLAP) Applications

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, the Federal Lands Access Program (FLAP) was established in 23 U.S.C. 204 to improve transportation facilities that provide access to, are adjacent to, or located within Federal lands; and

**WHEREAS**, the FLAP is a competitive, discretionary program and states, counties, tribes and local governments are eligible applicants; and

**WHEREAS**, the Colorado State Highway System is a critical component of the multimodal transportation system providing access to and through Federal lands; and

**WHEREAS**, a Federal Highway Administration (FHWA) Colorado Programming Decisions Committee is responsible for soliciting FLAP proposals, developing selection criteria, establishing an evaluation process, and selecting projects; and

**WHEREAS**, the FHWA Colorado Programming Decisions Committee announced in February a FLAP call for projects for FY 19 through FY 22 with applications due on May 21, 2016; and

**WHEREAS**, CDOT Regions identified potential candidate projects based on FLAP criteria developed by the FHWA Colorado Programming Decisions Committee; and

**WHEREAS**, a panel of CDOT staff reviewed and evaluated projects to identify those that best met FLAP criteria,

**WHEREAS**, the results of that evaluation included the identification of four state highway projects providing key access to federal lands, demonstrating a high level of need, and strongly supportive of FLAP criteria.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission approves the submittal to the FHWA Colorado Programming Decisions Committee of up to four applications as CDOT's highest priorities consideration of funding under the FLAP, including applications for the following projects:

- US 160 Passing Lanes North of Towaoc
- US 50 Blue Creek Canyon
- US 550 Corridor: CR 218 to CR 302
- SH 139 Little Horse South

  
 Herman Stockinger, Secretary  
 Transportation Commission of Colorado

4-21-16  
 Date of Approval

**FY 16 Safe Routes to School Projects**  
**Resolution #TC-16-4-4**

**Resolution # TC-16-4-4**

Approval of the 21 highlighted Safe Routes to School projects.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

**WHEREAS**, in 2015, the Transportation Commission approved through resolution the continuation of the SRTS program by committing to fund the program with \$2 million for infrastructure projects and \$0.5 million for non-infrastructure projects annually, beginning in FY 2016; and

**WHEREAS**, CDOT supports walking and biking as modes of transportation in Colorado; and

**WHEREAS**, Colorado is a national leader in SRTS, funding programs that have reached more than 960 schools statewide since 2005. This is more than 100 schools per year on average and more than 385,000 total Colorado students to date (in addition to parents, teachers, drivers, and community members who are also impacted by SRTS programs); and

**WHEREAS**, the SRTS program has replaced vehicle trips and increased the number of children walking and biking to school by as much as 31% in some schools; and

**WHEREAS**, approximately 95% of schools receiving SRTS funding had significantly increased rates of children walking and biking to school; and

**WHEREAS**, CDOT has awarded more than \$18.2 million in FHWA and state funds from 2005 through 2015 for SRTS program grants; and

**WHEREAS**, Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director as per state statute to represent educators, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to review all applications and to recommend projects for funding; and

**WHEREAS**, the SRTS Advisory Committee selected projects in March 2016 to recommend to the Commission for approval:

**NOW THEREFORE BE IT RESOLVED**, the Commission approves the 21 highlighted projects recommended on the Fiscal Year 2016 Safe Routes to School Project List, dated April 20, 2016

**BE IT FURTHER RESOLVED**, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
\_\_\_\_\_  
Date of Approval

**Disposal of a Portion of the Wiggins rest Area**  
**Resolution #TC-16-4-5**

**Resolution #TC-16-4-5**

Disposal of property in Wiggins.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, CDOT acquired property located at Hwy 34 and I-76 in the City of Wiggins in 1998 for use as a Rest Area and;

**WHEREAS**, a surveyor working for the owner of the truck stop adjacent to the Wiggins I-76 Rest Area discovered gaps and overlaps in the deeds for the truck stop and the Land Survey Plat done for CDOT in 1998 prior to the construction of the rest area and;

**WHEREAS**, CDOT Region 4 ROW reviewed deeds, plats and agreed with boundary line discrepancies that were established by the truck stop's surveyor and;

**WHEREAS**, the detention pond and parking surfaces of the truck stop adjacent to the Wiggins I-76 Rest Area were determined to be encroaching on CDOT property and;

**WHEREAS**, CDOT agreed to have the surveyor prepare a minor subdivision plat for submission to Morgan County that would eliminate the encroachments and;

**WHEREAS**, the subject parcel on the Stub's Minor Subdivision plat consists of 1.15 acres and;

**WHEREAS**, the subject parcel is only a small portion of the entire Wiggins Rest area and;

**WHEREAS**, the adjacent property owner would like to purchase the property to resolve the encroachments at fair market value and;

**WHEREAS**, the Department of Transportation would like to sell the property located at Hwy 34 and I-76 in the City of Wiggins to the adjacent property owner and;

**WHEREAS**, the disposal of the subject property will not affect the operation, maintenance, use or safety of CDOT's facility and;

**WHEREAS**, the Department of Transportation, Region 4 has declared through Joshua Laipply as

Chief Engineer, that property is no longer needed for maintenance of transportation purposes and;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes and;

**WHEREAS**, the Department has determined that the subject property consisting of 1.15 acres has value only to the adjacent owner and;

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III), when a parcel that is no longer needed for transportation purposes and has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value and;

**WHEREAS**, the adjacent property owner desires to exercise its first right of refusal to purchase the subject property, which is no longer needed for maintenance or transportation purposes.

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare the subject property at Hwy 34 and I-76 in Wiggins as excess property and sell the subject property consisting of 1.15 acres, which is no longer needed for maintenance or transportation purposes for fair market value.

**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.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
Date of Approval

### **Discuss and Act on the 10<sup>th</sup> Budget Supplement of FY 2016**

CFO Maria Sobota introduced the commission to the 10<sup>th</sup> Budget Supplement of 2016 and opened the floor for questions.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Barry moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Transit Funding WP Express**

Mark Imhoff brought up the request for Transit Funding for the Winter Park Express. The rail line needs \$3 million for a platform and switches. The improvements would be paid for, 50% by 228 funds, 50% from Union Pacific, Colorado Rail, and Denver.

Commissioner Gifford voiced her support for this program. She stated the ski train serves a huge role in the country and locally. Additionally, it spares some traffic from I-70.

Commissioner Reiff and Commissioner Gilliland echoed their support for the project, and thanked those who came to speak on its behalf.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Peterson moved for approval of the resolution, and Commissioner Barry seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-16-4-7**

**Resolution # TC-16-4-7**

Approve the Winter Park Express Platform Project Utilizing SB 228 Transit Funds

**Approved by the Transportation Commission on April 21, 2016**

**Whereas**, SB 228 funds have been allocated to CDOT for FY 2016, and at least 10% are to be used for transit projects; and

**Whereas**, the Transportation Commission supports the multimodal development of the State's transportation system, and the reduction of auto trips on I-70 and US 40 (Berthoud Pass); and

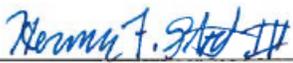
**Whereas**, the Division of Transit & Rail is developing a recommended list of SB 228 transit projects for Transportation Commission consideration later this summer; and

**Whereas**, Winter Park Resorts (WPR) has negotiated agreements between WPR, Amtrak and the Union Pacific Railroad to reinstate ski train service (Winter Park Express) for the 2016-17 ski season; and

**Whereas**, the Union Pacific Railroad has set forth passenger platform, safety and railroad operational improvements required to allow Winter Park Express service; and

**Whereas**, WPR has defined a \$3M construction project for the summer of 2016 and requested \$1.5M in SB 228 funds.

**NOW THEREFORE BE IT RESOLVED**, the Commission approves a \$1.5M grant utilizing SB 228 transit funds, in advance of the full SB 228 transit project recommendations, in order to allow WPR to construct the Winter Park Express platform and related railroad elements over the summer of 2016.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
Date of Approval

**First Amendment to PPSL IAA**

David Spector stated this IAA was created to update and reflect consistency with the loan agreement. Mr. Spector opened the floor for questions.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Federal Discretionary Grant**

Herman Stockinger gave an update on the TIGER grant that has been applied for for the north I-25 project. The project breaks down to \$100 million for state funds, \$20 million for federal funds, and \$5 million of 228 funds. Receiving the TIGER grant would close this gap. He went on to demonstrate that there is strong local support for this project, as many municipalities have committed money.

Commissioner Thiebaut thanked Herman and his staff for their efforts. He encouraged staff to keep looking at the Lamar reliever route as there is large local support for that project.

Commissioner Gilliland appreciates the people up north for stepping up to help make this project a reality.

Chairwoman Connell entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the resolution, and Commissioner Thiebaut seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

### **Resolution #TC-16-4-8**

**Resolution # TC-16-4-8**

Approving the First Amendment to Intra-Agency Agreement between CDOT and HPTE for the I-70 Peak Period Shoulder Lane (Mountain Express Lane) Project.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise ("HPTE"), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE, in partnership with CDOT, completed and is operating the I-70 Mountain Express Lane Project, formerly known as the I-70 Peak Period Shoulder Lane Project (the "Project") over a 13 mile segment of eastbound I-70 through the I-70 Mountain Corridor; and

**WHEREAS**, by Resolution #TC-3216, dated December 19, 2014, the Transportation Commission previously approved the HPTE I-70 PPSL Project Intra-Agency Agreement (the "Agreement") between CDOT and HPTE regarding the Project; and

**WHEREAS**, CDOT and HPTE now desire to further define the allocation of costs and responsibilities for operations and maintenance of the Project, as well as set forth invoicing and payment procedures not described in the original Agreement.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the First Amendment to the I-70 PPSL Project Intra-Agency Agreement between CDOT and HPTE and authorizes CDOT's Executive Director to sign the First Amendment on behalf of CDOT.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date

**Adjournment**

Chairwoman Connell closed the January Transportation Commission meeting at 2:18 p.m.



**COLORADO**  
Department of Transportation  
Division of Transit & Rail

4201 E. Arkansas Ave., Rm. 227  
Denver, CO 80222

**DATE:** May 4, 2016  
**TO:** Transportation Commission  
**FROM:** Andy Karsian -CDOT Legislative Liaison  
**SUBJECT:** 2016 Legislative Memorial Designations

Purpose

During the 2016 legislative session the General Assembly passed 4 memorial designations of state highways

Action

Confirm the resolutions passed by the Colorado House and Senate.

Background

TC Policy Directive 1503.0 establishes a consistent statewide process regarding designation or memorializing of highways, bridges or other highway components. The TC has the authority to accept and approve such requests from the legislature.

Details

All legislative memorial designations allow CDOT to accept gifts, grants and donations for the installation of these signs. As such, no state funds will be used to produce, erect or install these signs.

Senate Joint Resolution 16-032 designating the overpass across United States Interstate Highway 25 at Kechter Road in Fort Collins, as the "Buchanan Liberty Bridge".

Senate Joint Resolution 16-034 designating the portion of United States Highway 24 from mile marker 298 to mile marker 283, from Garden of the Gods, through Manitou Springs, Cascade, and Green Mountain Falls, Colorado, to Woodland Park, as the "SPC Rob Lee Nichols Memorial Highway".

Senate Joint Resolution 16-035 designating the portion of United States Highway 24 from mile marker 308 to mile marker 298, near Garden of the Gods, through the cities of Colorado Springs and Manitou Springs, Colorado "Buffalo Soldiers Memorial Highway".

House Joint Resolution 16-1006 designating the segment of East Sixth Avenue from the 1-225 interchange to the E-470 interchange the Colorado Freedom Memorial Highway .

Attachments

Resolutions available at: <https://www.codot.gov/about/transportation-commission/documents/2016-archive-of-supporting-documents/may-2016/memorial-designations.pdf/view>

WHEREAS, the Transportation Commission adopted Policy Directive 1503.0 to establish a consistent statewide process regarding designation or memorializing of a highway, bridge or any other highway component; and

WHEREAS, the Colorado General Assembly has the authority, by Act or Resolution, to approve designations or memorializing highways, bridges, or any other components of the highway system. And, the Transportation Commission has the authority to accept such requests from the Colorado General Assembly; and

WHEREAS, in 2016 during the Second Regular Session, of the State of Colorado's Seventieth General Assembly has adopted the following Senate Joint Resolutions and House Joint Resolution; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-032 designating the overpass across United States Interstate Highway 25 at Kechter Road in Fort Collins, as the "Buchanan Liberty Bridge"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-034 designating the portion of United States Highway 24 from mile marker 298 to mile marker 283, from Garden of the Gods, through Manitou Springs, Cascade, and Green Mountain Falls, Colorado, to Woodland Park, as the "SPC Rob Lee Nichols Memorial Highway"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-035 designating the portion of United States Highway 24 from mile marker 308 to mile marker 298, near Garden of the Gods, through the cities of Colorado Springs and Manitou Springs, Colorado "Buffalo Soldiers Memorial Highway"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted House Joint Resolution 16-1006 designating the segment of East Sixth Avenue from the 1-225 interchange to the E-470 interchange the Colorado Freedom Memorial Highway

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby confirms Senate Joint Resolutions 16-032, 16-034, 16-035 and House Joint Resolution 16-1006.



**COLORADO**  
Transportation Commission

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

**DATE:** May 19, 2016  
**TO:** Transportation Commission  
**FROM:** Josh Laipply; Scott McDaniel; Herman Stockinger  
**SUBJECT:** Repeal of Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way”

Purpose and Action

To request that the Commission repeal Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way” which is no longer necessary because the Transportation Commission adopted an administrative rule addressing the issue.

Background

Policy Directive 390.0 was last updated on August 22, 2002. Since then, the Transportation Commission adopted rule 2 CCR 601-18 “State Highway Utility Accommodation Code” (the “Utility Code”), which became effective October 30, 2009.

Details

Policy Directive 390.0 set forth the conditions under which utility facilities could be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of CDOT. The administrative rule adopted by the Transportation Commission, 2 CCR 601-18, contains more comprehensive requirements on utilities within CDOT’s jurisdiction. Policy Directive 390.0 is no longer necessary given that the new Utility Code is currently in place.

Key Benefits

Reduction in the number of directives applicable to CDOT employees; administrative rules where all relevant information on utilities within CDOT’s jurisdiction can be located.

Options and Recommendations

- 1) Approve repeal of Policy Directive 390.0 (staff recommendation);
- 2) Request a workshop to learn more about the issue before making a decision as to whether the Policy Directive needs to be repealed; or
- 3) Conclude that the existing Policy Directive 390.0 should remain in effect, and provide guidance on any amendments to staff.

Attachments

Resolution

Policy Directive 390.0

2 CCR 601-18 “State Highway Utility Accommodation Code” (available upon request)

**Resolution # TC-**

**Repeal of Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way”**

**WHEREAS**, under the Colorado Revised Statutes § 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies for the Colorado Department of Transportation (“CDOT”); and

**WHEREAS**, the Transportation Commission supports CDOT’s efforts to eliminate when possible directives that are no longer necessary, are out of date, or are duplicative of federal and state laws and regulations; and

**WHEREAS**, current Policy Directive 390.0 was adopted by the Transportation Commission on August 22, 2002, setting forth conditions under which utility facilities could be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of CDOT; and

**WHEREAS**, the Transportation Commission adopted administrative rule 2 CCR 601-18, “State Highway Utility Accommodation Code” (the “Utility Code”) since then, which contains more comprehensive requirements on utilities within CDOT’s jurisdiction; and

**WHEREAS**, Policy Directive 390.0 is no longer necessary given that 2 CCR 601-18 is currently in place.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein REPEALS Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way” as being no longer necessary.

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Herman Stockinger  
Transportation Secretary

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Date of Approval

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject <b>Accommodation of Utilities Within State Highway System Rights of Way</b>			Number <b>390.0</b>
Effective <b>08/22/02</b>	Supersedes <b>5/1/87</b>	Originating office <b>Executive Director</b>	

**PURPOSE**

To prescribe conditions under which utility facilities may be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of the Colorado Department of Transportation.

To fulfill the responsibility of the Colorado Transportation Commission to make reasonable provisions for the accommodation of certain utilities, in conformance with applicable State and Federal laws and regulations.

To provide for the establishment and maintenance of a Utility Manual which sets forth uniform criteria and procedures to implement said policy.

**AUTHORITY**

Executive Director  
43-1-225 C.R.S.

**APPLICABILITY**

This policy shall apply to all utility facilities which request to be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of the Colorado Department of Transportation .

**POLICY**

It is the policy of the Colorado Transportation Commission and the Department of Transportation that utility facilities be accommodated within State Highway System rights of way to the extent required by applicable State and Federal laws and regulations including applicable provisions of FHPM 6-6-3-2, and of the AASHTO publications cited therein, in a manner which does not adversely affect highway or traffic safety, or otherwise impair the operation, aesthetic quality, or maintenance of the highway facility.

This policy does not alter any applicable state or federal laws, orders, or regulations, or any applicable industry codes which govern the location, relocation, installation, adjustment, or maintenance of utility facilities.

The Department will establish, distribute, and maintain a Utility Manual as an operational guide to all Department personnel involved with the accommodation of utilities within State Highway System rights of way. The Utility Manual shall include detailed criteria, procedures, references, forms, and informational material as required to assure the uniform and consistent implementation

of this policy.

Subject <b>Accommodation of Utilities Within State Highway System Rights of Way</b>	Number <b>390.0</b>
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The Department will circulate the Utility Manual for review by the Department and the Attorney General's Office. The Attorney General's Office after completion of such review shall advise the Transportation Commission concerning whether it needs to adopt regulations on this topic.

**IMPLEMENTATION**

The policy stated herein shall be effective immediately, and shall be implemented by the Chief Engineer.

**REVIEW DATE:**

This Procedural Directive will be reviewed August 2006.

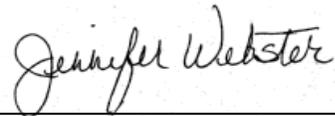


08/22/02

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Thomas E. Norton, Executive Director

Date



08/22/02

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Transportation Commission Secretary

Date



**COLORADO**  
Transportation Commission

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

**DATE:** May 19, 2016  
**TO:** Transportation Commission  
**FROM:** Darrell Lingk; Herman Stockinger  
**SUBJECT:** Approve Updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety”

Purpose and Action

To request that the Commission approve updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety,” which was due for a review in July of 2011.

Background

Policy Directive 80.0 was last updated on April 17, 2008. Over the last two years, the Office of Transportation Safety has implemented the Employee Safety Program and this updated Policy Directive conforms to the program’s title and mission. It also incorporates important provisions for reporting unsafe/unhealthy working conditions from Procedural Directive 80.2.

Details

Policy Directive 80.0 has been updated with language to conform with the current Employee Safety Program. It also incorporates the provisions contained in Procedural Directive 80.2, which states that employees have the right to report unsafe and/or unhealthy working conditions, and that retaliation for reporting unsafe work practices or unhealthy work conditions is prohibited. The Policy Directive also offers alternatives for reporting unsafe conditions.

Key Benefits

Support by the Transportation Commission for the Employee Safety Program – Excellence in Safety and for the employee’s ability to report unsafe and/or unhealthy work conditions; reduction in the number of directives applicable to CDOT employees.

Options and Recommendations

- 1) Approve updated Policy Directive 80.0 (staff recommendation);
- 2) Request a workshop to learn more about the current Employee Safety Program – Excellence in Safety before making a decision as to whether the Policy Directive needs to be updated; or
- 3) Conclude the existing Policy Directive 80.0 language should remain unchanged.

Attachments

Resolution  
Updated Policy Directive 80.0  
Existing Policy Directive 80.0 (available upon request)  
Existing Procedural Directive 80.2 (available upon request)

**Resolution # TC-**

**Approval of Updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety”**

**WHEREAS**, under the Colorado Revised Statutes § 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies for the Colorado Department of Transportation (CDOT); and

**WHEREAS**, current Policy Directive 80.0 was adopted by the Transportation Commission on April 17, 2008, providing general policy for the Integrated Employee Safety Program; and

**WHEREAS**, since then the Office of Transportation Safety implemented the current Employee Safety Program – Excellence in Safety; and

**WHEREAS**, Procedural Directive 80.2 contains important provisions regarding employees’ ability to report unsafe and/or unhealthy working conditions, and these provisions better align with the Transportation Commission’s authority over policies; and

**WHEREAS**, updated Policy Directive 80.0 provides the Transportation Commission’s support for the current Employee Safety Program – Excellence in Safety and its goals of creating a safe, healthy working environment for employees.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein ADOPTS updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety.”

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Herman Stockinger  
Transportation Secretary

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Date of Approval

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject		Number
<b>Employee Safety Program – Excellence in Safety</b>		<b>80.0</b>
Effective	Supersedes	Originating office
	80.0: 4.17.08 80.2: 6.01.06	<b>Office of Transportation Safety</b>

## I. PURPOSE

The purpose of this Policy Directive is to create a consistent and sustainable safe work environment for all CDOT employees through the implementation of a single, integrated statewide Safety program referred to as “Excellence in Safety” and to ensure a safe and healthy work environment for all CDOT employees.

## II. AUTHORITY

Colorado Transportation Commission pursuant to § 43-1-106(8)(k), C.R.S.

§ 24-50.5-103, C.R.S. (Retaliation prohibited)

## III. APPLICABILITY

This Policy Directive shall apply to all divisions, regions and offices of the Colorado Department of Transportation.

## IV. POLICY

### A. Integrated Safety Program

1. The Colorado Department of Transportation (“Department”) is committed to ensure a safe and healthy work environment for all of its employees through Excellence in Safety.
2. In support of this Policy, the Department will apply appropriate resources and provide subject-matter expertise in the ongoing effort to eliminate or reduce facility and operational hazards that could threaten the health and safety of employees.
3. The Office of Transportation Safety (“OTS”) shall oversee and implement the Department’s Excellence in Safety Program through the relevant Procedural Directives the Office of Transportation Safety Protocol.
4. Regional Safety Officers shall obtain prior approval from the Director of OTS for any safety initiatives that will be using the Excellence in Safety brand.

5. As one component of Excellence in Safety, the Department will endeavor to achieve a consistent and sustainable approach across the state with regard to ensuring the safety of its employees.

6. The Office of Transportation Safety, with the consultation of the Office of the Attorney General, shall implement and determine appropriate application of safety-related state and federal law, and notify all CDOT divisions, regions and offices of any updates or changes.

7. All CDOT employees shall adhere to the requirements of relevant Procedural Directives and the Office of Transportation Safety Protocol, and will promote and apply consistent and sustainable safe work behaviors in every activity while on CDOT premises.

8. Reporting of Unsafe or Unhealthy Working Conditions.

a) Employees shall have the right to immediately report unsafe work practices or unhealthy work conditions.

b) Employees shall not be retaliated against for reporting unsafe work practices or unhealthy work conditions or for refusing to operate or remain in an area where unsafe work practices or unhealthy work conditions exist.

c) Employees may report unsafe or unhealthy work conditions by following the guidance contained in Appendix "A" or by going to My Safe Workplace at <http://www.mysafeworkplace.com>.

## **V. IMPLEMENTATION PLAN**

This Policy Directive shall be effective immediately upon approval by the Transportation Commission.

The Office of Transportation Safety will oversee the implementation of this Policy Directive.

## **VI. REVIEW DATE**

This policy shall be reviewed no later than May 2021.

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Herman Stockinger  
Transportation Commission Secretary

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Date of Approval

## Appendix “A”

### Reporting of Unsafe or Unhealthy Working Conditions

A component of the CDOT Excellence in Safety Program is to inform and support an open reporting system for employees. This system would ensure employees that they will not suffer retaliation for reporting unsafe/unhealthy work conditions if done so in conformance with this Policy Directive.

#### A. Protection from Retaliation.

1. No appointing authority or supervisor shall initiate or administer any disciplinary action against an employee on account of the employee's disclosure of information related to unsafe work conditions.
2. CDOT employees are protected against retaliation for reporting unsafe and/or unhealthy working conditions under § 24-50.5-103, C.R.S. This statute does not protect an employee if the employee knows that the information is false, or the information is confidential pursuant to law.
3. If a CDOT employee believes that retaliatory action is being taken for reporting an unsafe/unhealthy work condition, the employee may notify the Civil Rights and Business Resource Center, the region's Civil Rights Manager, or through the My Safe Workplace website portal <http://www.mysafeworkplace.com>

#### B. Process for Reporting an Unsafe and/or Unhealthy Working Condition.

1. When a CDOT employee believes that an unsafe and/or unhealthy working condition exists, the employee should immediately notify their supervisor or appointing authority. If the supervisor or appointing authority are unavailable or unwilling to take action, the employee may seek the assistance directly from their regional safety officer or statewide safety manager.
2. The supervisor or appointing authority will conduct an assessment of the alleged unsafe/unhealthy working condition to determine whether it is valid and report the findings to the regional safety officer or statewide safety manager.
3. If possible, the condition should be mitigated immediately.
4. When an Immediately Dangerous to Life and Health (“IDLH”) condition is identified, all work activities shall stop immediately pending the permission to proceed by a supervisor, appointing authority or the regional safety officer.

The IDLH condition will be documented by the supervisor, appointing authority or regional safety officer.

5. The regional safety officer shall review the report and prepare recommendations to mitigate the IDLH condition in order to restore a safe working environment.

6. The regional safety officer shall advise supervisory personnel on the proper measures to take within their authority to address and correct the IDLH condition. Failure to comply with the measures in a reasonable amount of time may result in corrective and/or disciplinary action.

DRAFT



**COLORADO**

**Department of Transportation**

Division of Highway Maintenance

4201 East Arkansas Ave, 3<sup>rd</sup> Floor  
Denver, CO 80222

## TRANSPORTATION COMMISSION REQUEST

**TO:** Transportation Commission  
**FROM:** Kyle Lester, Director of Highway Maintenance  
**CC:** Michael P. Lewis, CDOT Chief Operating Officer

**DATE:** April 12, 2016  
**SUBJECT:** FY 17 Maintenance \$50,000 to \$150,000 project list

### Purpose

The Maintenance Sections have identified projects valued at between \$50,000 and \$150,000 for construction in FY 17. The resolution details the project locations, type, and dollar value.

### Action Requested

Maintenance and Operations is seeking the Transportation Commission's approval of the projects, in accordance with CRS 24-92-109, and PD 1000.0.

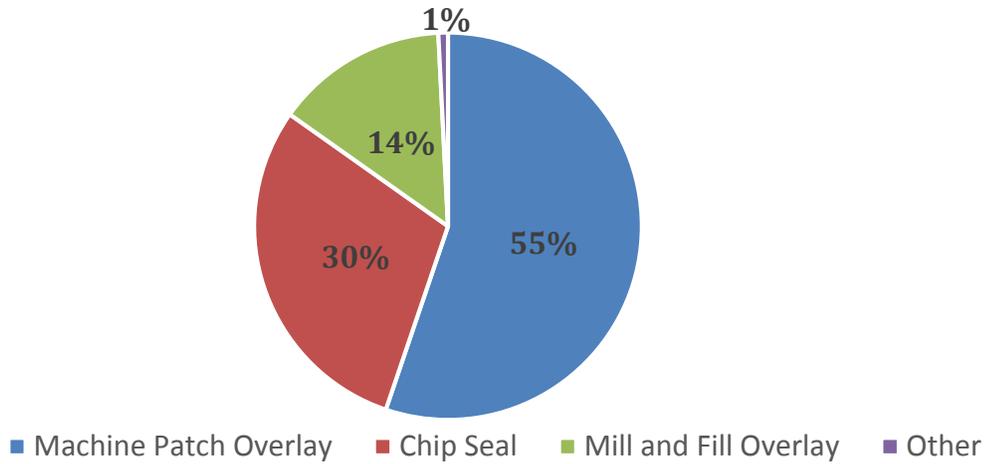
### Background

CRS 24-92-109, and PD 1000.0 require CDOT to prepare estimates of proposed work exceeding \$50,000 for Transportation Commission approval prior to undertaking the work. The same statute limits the value of these projects to \$150,000 each. The program allows the Maintenance Sections the flexibility to react to current needs by treating individual segments of highway showing distress. Other remaining projects are performed in support of the pavement management model focused on preventive maintenance and thin lift overlays to keep the highways usable for the traveling public and commerce. The FY17 target is 80% of the Transportation Commission approved projects matching the pavement management model recommendations for preventive maintenance. The Maintenance Sections have planned 125 total projects with 103 matching the pavement management model equalling an 82% match. Guidelines on spacing of projects has been at least 1 mile in between the projects, however on divided highway segments there are situations that warrant repairs in the same area of highway but on differing directions of travel.

One new preventive maintenance technique is a polymer injection. This process is injecting expanding foam into the subgrade to corrective dips in the roadway. Region 3 Maintenance Section 2 is requesting approval to test this technique.

Sufficient funds exist within the appropriate MPA's to pursue these additional projects. The projects are in accordance with the directive and all other requirements. Maintenance and Operations recommends approval of the FY 17 over \$50,000 project list.

**Project Type and Percentage of Each category of projects**



Key Benefits

Approval of these projects will allow the Maintenance forces to proceed with these projects ensuring the safety and mobility of the traveling public and enabling the continuation of commerce along the state highway system.

Next Steps

Upon approval, the Maintenance forces will proceed with construction of these projects after July 1, 2016 as weather permits.

Attachments

TC Resolution titled - Fiscal Year 2017 over \$50,000 project list approval.

**Resolution #TC-**

Fiscal Year 2017 over \$50,000 project list approval

**Approved by the Transportation Commission on: May 19, 2016**

**WHEREAS**, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the “Construction Bidding for Public Projects Act;” and

**WHEREAS**, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

**WHEREAS**, CDOT staff have prepared a cost estimate for these projects to be done in Fiscal Year 2017 as detailed in the memorandum entitled; FY 17 Maintenance \$50,000 to \$150,000 project list.

**WHEREAS**, the funding for this project is contained in the Fiscal Year 2017 Budget.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

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Region 1 Section 5					
Hwy	Start	End	Surface Treatment	Estimated Cost	
287	289	289.5	Mill/Fill	\$	89,137.00
025A	187	187	Mill/Fill	\$	92,680.00
025F	176.8	177.35	Overlay	\$	92,158.00
083A	56.8	58.5	Mill/Fill	\$	136,550.00
121A	15.5	16.28	Overlay	\$	149,750.00
121B	1.2	2.14	Overlay	\$	106,847.00
128A	1.8	3	Overlay	\$	148,104.00
270F	2.4	4.2	Overlay	\$	150,000.00
36D	130.2	130.65	Overlay	\$	108,000.00
40C	296.3	296.8	Mill/Fill	\$	97,875.00
40C	291.4	292.25	Mill/Fill	\$	93,251.00
40C	286.27	286.74	Overlay	\$	112,760.00
40D	340.5	341.1	Overlay	\$	105,000.00
6G-F	276.32	276.79	Overlay	\$	76,476.00

6G-F	279.85	280.44	Overlay	\$	75,573.00
6G-R	284.44	284.64	Overlay	\$	51,650.00
6H	292.72	293.67	Overlay	\$	58,000.00
70A	283.532	283.68	Mill/Fill	\$	61,000.00
70A	285.7	285.87	Mill/Fill	\$	56,000.00
70EB	289	290	Overlay	\$	150,000.00
72A	8.75	9.95	Overlay	\$	142,104.00
8A	5	5.4	Overlay	\$	128,842.00
8A	7	7.8	Overlay	\$	119,038.00
8A	2.88	3.18	Overlay	\$	108,116.00
C470	4	3.8	Overlay	\$	56,955.00
SH 7	67.6	68	Overlay	\$	112,000.00
				Section 5	\$ 2,677,866.00

Region 1 Section 9

Hwy	Start	End	Surface Treatment	Estimated Cost
70A EB	227.7	228.4	Mill/Fill	\$ 61,661.60
70A WB	238.8	239.3	Mill/Fill	\$ 44,044.00
70A WB	235.6	236	Mill/Fill	\$ 35,235.20
74A	0	0.8	Mill/Fill	\$ 70,470.40
Total Section 9				\$ 211,411.20

Region 2 Section 4

Hwy	Start	End	Surface Treatment	Estimated Cost
09A	27	32	Chip Seal	\$ 145,316.65
09A	41.9	46.9	Chip Seal	\$ 145,316.65
109C	57	58	Overlay	\$ 149,950.00
10A	34.2	35.3	Overlay	\$ 136,771.43
10A	36.6	40	Chip Seal	\$ 100,531.00
10A	62.5	63.5	Overlay	\$ 149,950.00
160C	362.8	364	Overlay	\$ 130,638.18
160C	489	493.65	Chip Seal	\$ 149,704.00
165A	0	5	Chip Seal	\$ 147,659.64
21A	135.4	136.9	Chip Seal	\$ 147,086.00
21B	150	150.35	Overlay	\$ 148,832.00
385A	119	121.5	Chip Seal	\$ 149,916.00
389A	5.32	9.1	Chip Seal	\$ 111,767.00
50A	241.8	242.95	Overlay	\$ 149,375.04
69A	50.1	51.5	Overlay	\$ 149,564.04
71C	43	48	Chip Seal	\$ 149,950.00
78A	9	13	Chip Seal	\$ 101,362.58
89A	6	7.5	Mill/Fill	\$ 75,000.00
96B	84	89	Chip Seal	\$ 149,950.00
Total Section 4				\$ 2,588,640.21

Region 3 Section 2				
Hwy	Start	End	Surface Treatment	Estimated Cost
131B	0.3	3	Chip Seal	\$ 54,000.00
133A	11	15	Mill/Fill	\$ 110,000.00
133A	30	36	Chip Seal	\$ 145,000.00
133A	41	51	Over lay	\$ 125,000.00
141B	156.7	158	Over lay	\$ 145,000.00
149A	114	117.42	Chip Seal	\$ 103,000.00
330A	5	6.5	Overlay	\$ 145,000.00
340A	9	10.83	Over lay	\$ 145,000.00
347A	1	3	Overlay	\$ 145,000.00
50A	65	80.4	Over lay	\$ 135,000.00
50A	123	124.5	Over lay	\$ 75,000.00
65A	0	0.3	Mill/Fill	\$ 90,000.00
65A	11	16	Chip Seal	\$ 148,000.00
6D	107	111	Chip Seal	\$ 112,640.00
70A	212.4	213	Overlay	\$ 84,000.00
70A	179	180	Mill/Fill	\$ 100,000.00
70A	171	171.5	Mill/Fill	\$ 54,000.00
70A	86.5	130	Over lay	\$ 145,000.00
70A	72	72	Polymer Injection	\$ 100,000.00
82A	68.7	71	Over lay	\$ 120,000.00
82A	48.59	52	Over lay	\$ 148,000.00
Total Section 2				\$2,428,640.00
Region 3 Section 6				
Hwy	Start	End	Surface Treatment	Estimated Cost
013A	78	79	Overlay	\$ 127,776.00
040A	33	34	Overlay	\$ 138,424.00
040A	183.6	184	Overlay	\$ 130,680.00
131B	67.7	68.6	Overlay	\$ 140,554.00
139A	64.5	65.5	Overlay	\$ 138,424.00
139A	69	70	Overlay	\$ 138,424.00
Total Section 6				\$814,282.00
Region 4 Section 1				
Hwy	Start	End	Surface Treatment	Estimated Cost
257	14	18	Chip Seal	\$ 149,900.00
01A	0.25	1.25	Overlay	\$ 149,850.00
14C	102	103.5	Overlay	\$ 148,000.00
263A	1.25	2.35	Overlay	\$ 149,900.00
36D	189.5	193	Chip Seal	\$ 104,000.00
42A	3	3.5	Overlay	\$ 75,000.00

63A	12.65	13.7	Overlay	\$	149,550.00
63A	17	18	Overlay	\$	104,000.00
70A EB	380	381	Overlay	\$	149,975.00
70A WB	435.5	436	Overlay	\$	149,500.00
71C	95.1	96	Overlay	\$	135,000.00
7C	57.5	58.5	Overlay	\$	55,000.00
85L	305	309	Chip Seal	\$	149,900.00
I76 W.B.	78.49	82.16	Overlay	\$	145,500.00
Total Section 1					\$1815,075.00
Region 5 Section 3					
Hwy	Start	End	Surface Treatment		Estimated Cost
84	0	5	Chip Seal	\$	148,000.00
90	20.2	21	Overlay	\$	123,288.00
141	54.8	55.8	Overlay	\$	123,288.00
141	41	45	Chip Seal	\$	136,624.00
141	49.5	50.9	Overlay	\$	148,500.00
141	39	39.8	Overlay	\$	148,500.00
141	8	12	Chip Seal	\$	148,500.00
145	107	107.5	Overlay	\$	143,556.00
160	143.3	144	Mill/Fill	\$	130,000.00
550	4.25	5	Overlay	\$	140,000.00
550	6	10.8	Chip Seal	\$	148,000.00
550	12	16.5	Chip Seal	\$	148,000.00
550	49	50.1	Chip Seal	\$	117,443.00
550	105.7	109	Chip Seal	\$	136,624.00
141A	0	4	Chip Seal	\$	148,937.00
145A	19.5	23.5	Chip Seal	\$	147,970.00
160A	15.75	20	Chip Seal	\$	143,314.00
160A	11.25	13.5	Chip Seal	\$	145,168.00
550B	64.7	68.7	Chip Seal	\$	136,624.00
Total Section 3					\$2,662,336.00
Region 5 Section 7					
Hwy	Start	End	Surface Treatment		Estimated Cost
112A	21	22	Overlay	\$	136,800.00
114A	40.5	45.5	Chip Seal	\$	127,000.00
114A	31.2	32.3	Overlay	\$	136,000.00
114A	29.7	30.2	Overlay	\$	62,000.00
142A	32	33	Overlay	\$	136,000.00
159A	10	15	Chip Seal	\$	141,000.00
160A	279.3	280	Overlay	\$	147,000.00
17A	34.5	38.6	Chip Seal	\$	110,000.00

17A	1.8	2.8	Overlay	\$ 147,000.00
17B	105.4	110.9	Chip Seal	\$ 127,000.00
24A	193.78	199	Chip Seal	\$ 145,000.00
285B	101	106	Chip Seal	\$ 145,500.00
291A	1.1	1.3	Mill/ Fill	\$ 48,000.00
50A	232.5	233	Over lay	\$ 96,000.00
50A	235.8	236.8	Overlay	\$ 140,000.00
50A	184	185.5	Over lay	\$ 46,000.00
			Total Section 7	\$1,890,300.00
			Statewide Total	\$15,088,550.41

Sufficient funds exist within the appropriate MPA's to pursue this project. The project is in accordance with the directive and all other requirements.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado



**COLORADO**  
**Department of Transportation**

Division of Transportation Development  
Multimodal Planning Branch  
4201 E. Arkansas Ave, Shumate Bldg.  
Denver, CO 80222

DATE: May 19, 2016  
TO: Transportation Commission  
FROM: Debra Perkins-Smith, Director, Division of Transportation Development  
SUBJECT: CDOT Policy 1602, Elevating Bicycle and Pedestrian Opportunities in Colorado

**Purpose**

This memo summarizes information about a recent review and update to CDOT Policy 1602 “Bike and Pedestrian.”

**Action**

Accept recommendation of the Transit and Intermodal Committee to adopt the updated and re-named CDOT Policy 1602, “Elevating Bicycle and Pedestrian Opportunities in Colorado.”

**Background**

CDOT Policy 1602 “Bike and Pedestrian” required a review beginning in the fall of 2015. As such, CDOT stakeholders including management, engineering, planning and maintenance have reviewed and commented. The Transit and Intermodal Committee reviewed at their April 2016 meeting and recommended Transportation Commission approval.

**Details**

In July 1977, CDOT adopted Policy 1602 “Bikeways” in an effort to encourage and to build separated bikeways as part of larger highway projects. The bikeways were to help improve safety and mobility for bicyclists throughout the state.

In 2009, the Policy was revised and renamed “Bike and Pedestrian.” This revised Policy again focused on enhancing safety and mobility for bicyclists, but it also added pedestrian mobility. Additionally, it expanded the effort to require the needs of bicyclists and pedestrians be included in the planning, design, and operation of transportation facilities, as a matter of routine. Any decision to not accommodate bicyclists and pedestrians would need to be documented based on one or more criteria spelled out in the Procedural Directive:

- Bicyclists and pedestrians are prohibited by law from using the roadway (such as portions of I-70, I-25 and US6)
- The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.)
- Where scarcity of population or other factors indicate an absence of need.

While the Policy was groundbreaking for CDOT, it had limited results in its application. This updated Policy reinforces the need to accommodate bicyclists and pedestrians, and brings the exemption criteria into the Policy. A detailed Procedural Directive is also being developed to provide clear direction on how to implement the policy and verify compliance.

**Key Benefits**

In addition to supporting Governor Hickenlooper’s Initiative of becoming the Number One Bicycle Friendly State, this Policy also increases capacity by providing more mode choice among all road users. By programming, planning, building and maintaining bicycle and pedestrian networks, CDOT is helping to reduce congestion, improve air quality, improve health, and provide options for people of all ages and ethnicities in their travel decisions.

This Policy is also helping local agencies develop bicycle and pedestrian policies within their own communities. Language taken directly from our Policy has been integrated into other planning and policy documents throughout the state.

#### Next Steps

- Finalize Procedural Directive.

#### Attachments

- Attachment A: Policy 1602 “Elevating Bicycle and Pedestrian Opportunities in Colorado”
- Attachment B: Resolution

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
<b>Subject</b> <b>Elevating Bicycle and Pedestrian Opportunities in Colorado</b>		<b>Number</b> <b>1602.0</b>
<b>Effective</b>	<b>Supersedes</b> 10.22.09	<b>Originating Office</b> Division of Transportation Development Bicycle and Pedestrian Program

## I. PURPOSE

The Transportation Commission supports the Colorado Department of Transportation (“CDOT” or “Department”) in elevating the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities as a necessary component of all projects. The Department will promote transportation mode choice by enhancing safety and mobility for bicyclists and pedestrians on or along the state highway system. This includes all aspects of accommodating pedestrians and bicyclists, from planning, programming, design, construction, to operation, maintenance and education.

## II. AUTHORITY

Transportation Commission pursuant to § 43-1-106(8)(a), C.R.S.

§ 43-1-120, C.R.S. (requiring that exemptions be documented)

See Appendix “A” for additional authority

## III. APPLICABILITY

This Policy Directive applies to all branches, divisions, regions and offices of CDOT and consultants working for CDOT. All projects overseen by CDOT or within CDOT right-of-way shall adhere to this Policy Directive.

## IV. POLICY

A. In conformance with § 43-1-120(2)(c), C.R.S., FHWA Guidance, and Procedural Directive 1602.1, the Department shall include the needs of bicyclists and pedestrians in the planning, design, operation and maintenance of transportation facilities as a necessary component of all programs and activities.

B. Any decision of the Department to not accommodate the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities shall be documented prior to finalizing the decision. The decision must be based on at least one or more of the following exemption criteria herein established by the Commission:

1. Bicyclists and pedestrians are prohibited by law from using the roadway; or
2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.); or
3. Where scarcity of population or other factors indicate an absence of need

C. The Department shall follow the requirements of the bicycle and pedestrian program set forth more specifically in Procedural Directive 1602.1.

#### **V. IMPLEMENTATION PLAN**

This Policy Directive shall be effective upon signature.

This Policy Directive applies to all projects scoped after the effective date.

#### **VI. REVIEW DATE**

This Policy Directive shall be reviewed on or before May 2021.

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Herman Stockinger  
Transportation Secretary

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Date of Approval

## **Transportation Commission Resolution**

May 19, 2016

**WHEREAS**, in 2009, Bike and Pedestrian Policy 1602 was adopted by the Transportation Commission to replace the 1977 Bikeways Policy 1602, for use by the Colorado Department of Transportation (CDOT); and

**WHEREAS**, Federal surface transportation law places a strong emphasis on creating a seamless transportation system that persons of all ages and abilities can utilize for safe and convenient access to jobs, services, schools and recreation; and

**WHEREAS**, bicycling and walking are integral components of Colorado's multimodal transportation system; and

**WHEREAS**, there is increasing public interest in the environment, personal health, and energy conservation, and the bicycle offers a viable alternative to motorized vehicles; and

**WHEREAS**, the needs of bicyclists and pedestrians shall be considered in planning, designing, programming, constructing, operating and maintaining transportation facilities as a matter of routine; and

**WHEREAS**, by providing more choice, the Department increases capacity of its facilities; and

**WHEREAS**, by accommodating bicyclists and pedestrians, the Department encourages the use of active transportation; and

**WHEREAS**, the Transportation Commission's Transit and Intermodal Committee met in April 2016 with staff to review and recommend the policy for adoption; and

**NOW THEREFORE BE IT RESOLVED**, the Commission adopts Policy 1602 Elevating Bicycle and Pedestrian Opportunities in Colorado; superseding Bike and Pedestrian Policy 1602.



# COLORADO

## Department of Transportation

Division of Accounting and Finance

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

### MEMORANDUM

**TO:** TRANSPORTATION COMMISSION  
**FROM:** MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
**CC:** DAVID SPECTOR, DIRECTOR OF HIGH PERFORMANCE TRANSPORTATION ENTERPRISE  
**DATE:** MAY 19, 2016  
**SUBJECT:** APPROVAL OF INTRA-AGENCY AGREEMENT BETWEEN CDOT AND HPTE FOR THE I-25 NORTH, SEGMENT 2, EXPRESS LANE PROJECT

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#### Purpose

To present the Transportation Commission (TC) with key details under, and seek approval of, the Intra-Agency Agreement (IAA) between the Colorado Department of Transportation (CDOT) and the High Performance Transportation Enterprise (HPTE) for the I-25 North, Segment 2, Express Lane Project.

#### Action

Department Staff is seeking TC approval of the resolution authorizing the proposed IAA between CDOT and HPTE for the I-25 North, Segment 2, Express Lane Project.

#### General Background on CDOT-HPTE Project Intra-Agency Agreements:

IAAs between CDOT and HPTE document the substantive terms of how CDOT and HPTE work together and allocate rights and responsibilities on shared projects. Statute requires an IAA for each project. IAAs can include provisions re: administrative payment procedures, commercial loan terms (if any), process for requesting a back-up TC loan (if any), terms governing shared operations as well as allocation of operations and maintenance costs. Below is a summary of project IAA's to date, including amendments:

- *December 2014-Peak Period Shoulder Lane Project (PPSL) IAA:*
  - a. Provides credit support that helped secure the commercial loan financing
  - b. Incorporated allocation of financial responsibility related to Operations & Maintenance (O&M) of the project
  - c. Outlined the process for requesting a TC back-up loan for HPTE obligations if needed
- *January 2016-I-25 North, Segment 3, Express Lanes IAA:*
  - a. Provides credit support that helped secure the commercial loan financing
  - b. Incorporated allocation of financial responsibility related to (O&M) of the project
  - c. Outlined the process for requesting a TC back-up loan for HPTE obligations if needed
- *February 2016-Amendment 1: Peak Period Shoulder Lane:*
  - a. Incorporates administrative changes reflected in the amended loan agreement. Clarifies O&M activities that are subject to a pro-rata share and addresses invoicing and payment procedures between CDOT and HPTE.

IAAs and contracts are necessary when HPTE and CDOT engage in any joint work together in order to preserve enterprise status and follow TABOR rules. Also, statute requires an IAA for each particular project. The timing of when a particular IAA is brought before the TC and HPTE Board for approval can be driven by a variety of factors such as the project procurement schedule, the need to secure financing or the opening of managed lane corridor. With a number of joint projects between CDOT and HPTE in development, such as Central 70, C-470 and I-25 North Segments 7&8, the TC will continue to see additional IAAs for these corridors brought before them for comment and approval in the coming months.

### Current I-25 North Background

The current I-25 North Express Lanes Project is currently broken into 2 active segments. Segment 2 runs from US36 to 120<sup>th</sup> Ave. and Segment 3 runs from 120<sup>th</sup> Ave. to E-470. The I-25 North, Segment 2, Express Lane is slated to open for tolling in July, so CDOT and HPTE must document the substantive terms of how the parties will allocate operations and maintenance obligations. Because Segment 2 did not involve a financing, the IAA does not have provisions relating to commercial loan terms.

### Key Details

The full version of the IAA between CDOT and HPTE can be found electronically at the following link: <https://www.codot.gov/about/transportation-commission/documents/2016-archive-of-supporting-documents/may-2016/intra-agency-agreement-between-hpte-and-cdot-for-i.pdf/view>. Below is a summary of several key areas that are important for the Commission to take into consideration while reviewing the IAA and resolution (Attachment A). The IAA and resolution:

- (1) Incorporate an allocation of financial responsibility related to Operations & Maintenance (O&M).
  - a. Sets forth that HPTE is responsible for operating and maintaining the constructed I-25 North, Segment 2, Express Lanes and CDOT maintains O&M responsibility for the general purpose lanes. O&M costs will be based on the total number of vehicles using all lanes along the I-25 North, Segment 2. HPTE's portion of O&M costs will be calculated using total number of revenue vehicles that are legally obligated to pay a toll traveling in the tolled express lane plus RTD buses. CDOT's portion will be calculated using all other non-revenue vehicles, including High Occupancy Vehicles (HOV), and vehicles traveling in the general purpose lanes.
  - b. Outlines invoicing and payment procedures whereby CDOT shall submit an invoice to HPTE on or before January 15 and July 15 of each year for the HPTE O&M obligations due to CDOT with respect to the I-25 North, Segment 2 for the prior six month period.
- (2) Recognizes that future Transportation Commissions will not be bound by budgetary and policy decisions made by the current TC.
  - a. Stipulates that the current TC cannot allocate and transfer future state highway funds for a loan to HPTE.
  - b. Sets forth that any decision as to whether or not to allocate and transfer such funds to HPTE shall be made by the TC in the year in which the HPTE request occurs.
- (3) Stipulates that in the event the TC elects to make a loan to HPTE in order to satisfy any of the O&M obligations under the Segment 2 Project IAA, CDOT may not use Federal-aid highway funds to satisfy any expenses related to the operations and maintenance of the I-25 North, Segment 2, Express Lanes.
- (4) Ensures conformity with the Inter-Governmental Agreement (IGA) between HPTE and RTD and incorporates terms of a prior letter agreement between CDOT and HPTE regarding the allocation of RTD's \$750,000 contribution to the Segment 2 project.

### Key Benefits

- Documents the necessary contractual obligations between CDOT and HPTE.
- Approval of the IAA will reinforce the mutually beneficial partnership between CDOT and HPTE on corridors where there are managed and general purpose lanes.

### Commission Options/Decision Matrix

- 1) **Staff Recommendation:** Approve the IAA. CDOT and HPTE will execute the IAA, and tolling will commence mid-summer.
- 2) Do not approve the IAA. Reject the IAA, explaining that Staff should work to revise certain provisions in the agreement. Staff will return in June with a revised IAA for approval.

### Next Steps

If approved, the IAA will be executed.

### Attachments

Attachment A: Resolution Approving the IAA between the Colorado Department of Transportation and the High Performance Transportation Enterprise for the I-25 North Express Lanes Project (Segment 2)

**Resolution #TC-16-5-**

Approving an Intra-Agency Agreement between the Colorado Department of Transportation and the High Performance Transportation Enterprise for the I-25 North Express Lanes Project (Segment 2)

**Approved by the Transportation Commission on May 19, 2016**

**WHEREAS**, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

**WHEREAS**, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (“CDOT”) and state transportation programs; and

**WHEREAS**, pursuant to Section 42-4-102(1)(a), C.R.S., the Transportation Commission is also empowered to designate exclusive or preferential lanes for vehicles that carry a specified number of persons, including high occupancy vehicles operating on high occupancy toll lanes; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure; and

**WHEREAS**, CDOT, in partnership with HPTE, is completing construction and commencing tolled operations on the I-25 North Express Lanes Project (Segment 2) (the “Segment 2 Project”) consisting of one new tolled managed lane in each direction between approximately US 36 and the Wagon Road Park-n-Ride at 120<sup>th</sup> Avenue; and

**WHEREAS**, the Transportation Commission supports the Segment 2 Project and recognizes the benefits it provides to the State, which include, but are not limited to, improving travel times, managing congestion in the I-25 North Corridor, and providing travelers with a choice of a new travel lane; and

**WHEREAS**, CDOT and HPTE desire to define the allocation of costs and responsibilities for the implementation, operation and maintenance of Segment 2 Project, as well as set forth invoicing and payment procedures with respect to the same; and

**WHEREAS**, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may authorize the transfer of money from the state highway fund to HPTE to defray expenses of HPTE; and

**WHEREAS**, the proposed I-25 North Express Lanes Project (Segment 2) Intra-Agency Agreement with HPTE (the “Segment 2 Intra-Agency Agreement”) provides that in the event user fee revenues are insufficient, or projected to be insufficient, to satisfy HPTE’s operations and maintenance obligations under the Segment 2 Intra-agency Agreement, HPTE can request, and the Transportation Commission will consider making, but is not obligated to make, one or more loans from the state highway fund to HPTE to satisfy its obligations; and

**WHEREAS**, any loan that CDOT provides HPTE under the Segment 2 Intra-Agency Agreement shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, constitutes a loan from the Transportation Commission to HPTE and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the state Constitution; and

**WHEREAS**, the Transportation Commission recognizes and respects the legal principle that it cannot bind future Transportation Commissions with respect to budgetary and policy decisions, recognizes it cannot agree, in advance, to allocate and transfer state highway funds for a loan to HPTE, and agrees that any decision as to whether or not to allocate and transfer such funds for such purposes shall be made by the Transportation Commission, in its sole discretion, in the year in which the HPTE request occurs.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Segment 2 Intra-Agency Agreement with HPTE in substantially the form presented to the Transportation Commission and authorizes the CDOT Executive Director to execute the Segment 2 Intra-Agency Agreement with such changes therein and additions thereto, not inconsistent with this Resolution.

**BE IT FURTHER RESOLVED**, the Transportation Commission hereby designates the tolled managed lanes on the Segment 2 Project as high occupancy toll lanes, to include toll-free travel for high occupancy vehicles, which policy is to be implemented consistent with prior Transportation Commission resolutions regarding high occupancy vehicles.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date

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responsibilities for the implementation, operation and maintenance of Segment 2 Project, as well as set forth invoicing and payment procedures with respect to the same; and

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**WHEREAS**, the Transportation Commission recognizes and respects the legal principle that it cannot bind future Transportation Commissions with respect to budgetary and policy decisions, recognizes it cannot agree, in advance, to allocate and transfer state highway funds for a loan to HPTE, and agrees that any decision as to whether or not to allocate and transfer such funds for such purposes shall be made by the Transportation Commission, in its sole discretion, in the year in which the HPTE request occurs.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Segment 2 Intra-Agency Agreement with HPTE in substantially the form presented to the Transportation Commission and authorizes the CDOT Executive Director to execute the Segment 2 Intra-Agency Agreement with such changes therein and additions thereto, not inconsistent with this Resolution.

**BE IT FURTHER RESOLVED**, the Transportation Commission hereby

designates the tolled managed lanes on the Segment 2 Project as high occupancy toll lanes, to include toll-free travel for high occupancy vehicles, which policy is to be implemented consistent with prior Transportation Commission resolutions regarding high occupancy vehicles.

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Herman Stockinger, Secretary  
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