Transportation Commission of Colorado
Regular Meeting Minutes
July 18, 2013

Chairman Gary Reiff convened the meeting at 12:50 p.m. in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Gary Reiff, Chairman, District 3
Shannon Gifford, District 1
Ed Peterson, District 2
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Steve Hofmeister, District 11

EXCUSED: Sidny Zink, District 8

ALSO PRESENT: Don Hunt, Executive Director
Ben Stein, CFO
Heidi Bimmerle, Director of Admin & Human Resources
Debra Perkins-Smith, Director of Division of Transportation Development
Herman Stockinger, Director of Policy and Government Relations
Mark Imhoff, Director of Division of Transit and Rail
Mike Cheroutes, Director of HPTE
Barbara Gold, Director of Audit Division
Ryan Rice, Director of Operations Division
Amy Ford, Director of Public Relations
Scott McDaniel, Director of Staff Services
Tony DeVito, Region 1 Transportation Director
Tom Wrona, 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
Doug Bennet on behalf of 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.

Swearing in of New Commissioner

Commissioner Secretary, Herman Stockinger, administered the Oath of Office to new Commissioner, Shannon Gifford.

Audience Participation

Chairman Reiff mentioned that there were no members of the Audience wishing to address the Commissioners but, that due to the early start of the meeting, if anyone arrived and wished to address the Commission they would be able to do so at that time.

Individual Commissioner Comments

Commissioner Barry offered best wishes and success to Toni Bircher, commission assistant as she moves on to a new position. She reported that she had attended the monthly Bagels with Barry gathering in Commerce City and had a good conversation with Mayor Ford and many of the Council members. She declared that Rebecca White had been doing an excellent job with the communities in the North Metro Area and thanked her for her commitment to keeping the lines of communication open with the stakeholders in the area.

Commissioner Peterson mentioned that he had participated in the signing of the MOU in Golden and offered thanks to staff members who helped craft the agreement.

Commissioner Ortiz thanks to Toni Bircher for the help she had provided to him as the assistant in the Commission Office.

Commissioner Gilliland echoed the wishes to Toni. She declared that she had attended a couple of events of interest: a couple of sessions with the TPR looking at project lists, and a Progressive 15 in Fort Morgan meeting where good information was received regarding MPACT 64 and potential ballot initiative.

Commissioner Connell welcomed new Commissioner, Shannon Gifford and mentioned that she didn't know what she'd do without Toni Bircher and confirmed that she would be missed by the Commission. She reported that she was so excited to report that there had been a private sector challenge grant offered by Blue Valley Ranch which was matched by Grand County at $4M and that the level of involvement from the County is exciting. She mentioned that there is significant importance for good communication and that the way people communicate is changing. She thanked staff and encouraged them to keep developing and expanding visual props as tools for communication in outreach efforts. She stated that she and Commissioner Aden would be meeting former Commissioner Parker at a meeting for communication with Club 20 and stated that the Club is instrumental in the future initiative effort.

Commissioner Gruen gave a similar message to Toni.

Commissioner Aden echoed the other comments to Toni. He confirmed that he had gone to Aspen with Dave Eller and other members of Region 3 staff to meet with Pitkin County Commissioners. He stated that they were very engaged and interested in Transportation and mentioned that one of the issues they were concerned with is illegal trucks going over Independence Pass. He asked that Ryan Rice and Dave Eller get together talk about some of the conversations with the Colorado Motor Carriers. He declared that he had recently driven on I-76 and was pleasantly surprised with what he saw and mentioned that good progress had been made on the road.

Chairman Reiff stated that he had attended Steve Parker's birthday party along with Commissioner Aden, Tim Harris, and Kerrie Neet and took a long drive to get to Durango. He said that it was great seeing the beautiful area and all of the road work being done throughout the state and thanked the RTDs for the money they have being put out to the roads in the State. He confirmed that he had attended a meeting with the Arapahoe County Commissioners along with Tony DeVito and Rebecca White and mentioned that it was a good meeting and confirmed that there is a lot of growth in that area. He declared that he wanted to echo what Commissioner Barry had said and agreed that Rebecca White was a tremendous asset to the Metro Area Commissioners. He wished Toni good luck on her next endeavor and declared that she would be missed.

Executive Director's Report:

Director Hunt mentioned that a month ago, Governor Hickenlooper had paid a visit to CDOT and was able to speak to a room packed full of employees and thanked them for what they've done making Colorado Government more effective and efficient.

Mr. Hunt stated that he had recently attended the following meetings:

- Signing of the MOU with the city of Golden: he declared that a year and a half ago he and Herman Stockinger had worked with the entities involved to bring them together to an unsuccessful conclusion but that that through further work with Rebecca White and Mike Cheroutes in the 18 months since, the groups came together. He confirmed that the signing of the MOU represents a lot of compromise from the parties and that it offers a way forward for protecting Golden and a way forward to complete the Jefferson Parkway.

- I-70 Coalition meeting: mentioned that the coalition meetings had progressed to having 10 topics with 10 ways that the group is working together which is excellent progress.

- Fast-Tracks meeting with RTD: went very well also

He declared that he wanted to offer thanks to a couple of employees for their efforts and progress in the area of Asset Management. He praised Bill Schiebel for his presentation to STAC explaining how a different approach on surface treatment could be beneficial for everybody in the state. He said that additionally, Bridge Engineer, Josh Laipply had

communicated that a change in funding for maintenance on bridges could be one of the cheapest ways to extend bridge life.

He confirmed that he had attended a meeting Lt. Governor Garcia and said that Mr. Garcia had mentioned what a great job Kerrie Neet, Region 5 RTD was doing in her tremendous work with the Ute Mountain Utes and Southern Utes and that the Lt. Governor passed on his thanks Kerrie.

Chief Engineer Report

Chief Engineer Tim Harris was not present at the meeting.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes reported that there were a few items he wanted to highlight:

- A lot of discussion in the country in regards to Public Private Partnerships
- Colorado is always in the mix of the discussions
- Commercial Close of the US 36 Transaction
- Discussion on a number of issues
- Presentation from Cambridge Systematics staff regarding the Traffic & Revenue Study work for the C-470 project
- Look forward to working with the C-470 Coalition to come up with a responsible financing plan for the project

FHWA Division Administrator Report

Doug Bennett mentioned that he wanted to highlight Technology Deployement, a program that represents a small part of the Federal Aid program. He reported that use of funds from the program has allowed CDOT people to travel out of state to get specific information, over the last several years where people have been taken trips to talk to their peers and meet to discuss work they are doing in other states relative to work CDOT would like to do including:

- Move In Bridges
- Management of toll facilities
- Managed lanes
- Cut and covered depressed free ways
- Use of shoulders as lanes
- Fire Suppression in Tunnels
- Diverging diamond intersections
- Low volume road treatments

He stated that he feels that the small amount of money FHWA has been able to help with this type of information sharing has been well worth it.

Executive Director, Don Hunt, offered thanks to Doug Bennet mentioning that recently FHWA had prepared a letter of support for the selection of the I-70 lowered partially covered option and also thanked him for allowing FHWA employee, Andre Compton, to assist in the Office of Finance Management and Budge to assist while low on staff. Mr.

Bennett confirmed that Andre had reported that he learned a great deal about the CDOT side of things and gained a wealth of knowledge during the time spent helping out.

STAC Report

Vince Rogalski declared that the STAC had met on Friday, July 12, 2013 and that the Committee had received updates on the following topics:

- Federal and State Legislative Update
- MPACT 64 Update
- PD14 and Asset Management Discussion
- Pavement Management and Drivability Explanation
- Regional Planning Update
- Program Distribution
- RAMP Update
- Transit Update

Act on Consent Agenda

Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Connell moved for approval of the Consent Agenda. Commissioner Aden seconded the motion and on a vote of the Commission, the Consent Agenda was unanimously approved.

Resolution to approve the RAMP Special Meeting Minutes of May 29, 2013

Resolution #TC-3087

BE IT HEREBY RESOLVED, that the Minutes for the Transportation Commission's Special RAMP Meeting of May 29, 2013 are hereby approved as published in the official agenda of the July 18, 2013 meeting Agenda.

Resolution to approve the Regular Meeting Minutes of June 19 & 20, 2013

Resolution #TC-3088

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of June 19 & 20, 2013 are hereby approved as published in the official agenda of the July 18, 2013 meeting Agenda.

Resolution Number TC-3089
Confirming state highway component memorializing and designation resolutions enacted by the General Assembly during the 2013 legislative session

Approved by the Transportation Commission on: July 18, 2013

WHEREAS, the Transportation Commission adopted Policy Directive 803 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 memorialize highways, bridges, or other components of the state highway system; and, the Transportation Commission has the authority to confirm such requests from the Colorado General Assembly; and

WHEREAS, in 2013 during the First Regular Session, the State of Colorado's Sixty-ninth General Assembly adopted the following resolutions:

- House Joint Resolution13-1009, designating the Leopard Creek Bridge in Placerville in San Miguel County with signs stating "Pfc. Paul L. Haining Memorial Bridge";
- House Joint Resolution 13-1027, designating State Highway 14 from East Mulberry Street in Fort Collins to Bellevue, with signs stating "Cache la Poudre River, Colorado's only designated "Wild and Scenic River";
- Senate Joint Resolution 13-032, designating State Highway 34 from mile marker 96.5 to mile marker 102 with signs stating "SSG. Christopher J. Birdwell Memorial Highway";
- Senate Joint Resolution 13-033, designating State Highway 67 from Divide to Cripple Creek with signs stating "POW/MIA Memorial Highway"; and

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby confirms HJR 13-1009, HJR 13-1027, SJR 13-032, and SJR 13-033.

NOW THEREFORE BE IT FURTHER RESOLVED, that CDOT shall print and install signs to mark the stated locations provided in each resolution.

Herman F. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

7-18-13
Date

Discuss and Act on the 2nd Budget Supplement

Ben Stein mentioned that the Budget Supplement could be found in the Agenda Packet and that there were a couple of things he needed to highlight. He declared that during reconciliation closing out FY'13 they would be making adjustments to the Commission Contingency and be able to show final numbers following those adjustments. He stated that there were two walk on items described below:

- $4,200,000 – Bridge On-System – *Preventative Maintenance for FY 2014* – These funds will be used to identify preservation action/maintenance bridge projects and to prepare construction documents for multiple project packages. Work needs to begin immediately in order to meet program objectives, as outlined in the Asset Management Program document.

- $350,000 – FASTER Safety – SH 287 (Federal Boulevard) at 54th Avenue in Adams County – Storm Sewer and Highway Repair – A failed storm sewer line has created a sinkhole and collapse of the roadway, despite repairs earlier this month. This work is necessary and critical to reduce the risk of further damage to the roadway, to restore the full capacity of the roadway and the storm sewer system, and to assure safe operation of the roadway. The repairs will be completed utilizing emergency contracting procedures as outlined in Section 120.8 of the CDOT Construction Manual.

Ben requested approval of the Supplement.

Commissioner Gilliland made a motion for approval of the Budget Supplement. Commissioner Connell seconded the motion. On a vote of the Commission, the Budget Supplement was unanimously approved.

Resolution #TC-3090
Approval of the 2nd Budget Supplement

BE IT RESOLVED THAT, the 2nd Supplement to the Fiscal Year 2013-2014 Budget be approved.

Discuss and Act on the Resolution to Adopt Rules Governing the State Highway Access Category Assignment Schedule, 2 CCR 601-1A

Scott McDaniel stated that the department wanted to request changes to the Access Category Assignment Schedule and mentioned that the requests in the case were those that met the requirements of CDOT's review process since the last time the Commission updated the assignment schedule in April 2011. He stated that the changes included requests from local entities and the Department and that the proposed changes were provided to an extensive list of interested persons, including members of STAC, the TPRs and MPOs. He confirmed that no testimony was received at the hearing. Scott detailed the following changes:

- 2 Local requests for changes

    - State Highway 287: changes the access category for the segment between Milepost 324.464 to Milepost 325.529 (Town of Berthoud request from Freeway Facility to on-Rural Regional Highway)

    - State Highway 160: changes the access category for the segment between Milepost 81.406 to Milepost 83.207 (City of Durango from Rural Regional Highway to Non-Rural Regional Highway);

- 2 CDOT requests:

    - US 350: abandoning the segment between Milepost 72.576 to 73.00 (CDOT change: abandons segment to City of La Junta and concurrently adopts Grant Ave from 5th St. to JCT with US 50 , to be the new end segment of US 350 from Milepost 72.576 to Milepost 72.718 end of US 350)
    - State Highway 7: changes the access category for the segment between Milepost 68.541 to Milepost 71.835 (CDOT change from Rural Regional Highway to Non-Rural.

Scott stated that department requests that you approve the Resolution found on page 54 of the agenda packet and adopt the proposed changes to Rules Governing the State Highway Access Category Assignment Schedule, 2 CCR 601-1A.

Commissioner Peterson made a motion for approval of the Resolution. Commissioner Connell seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution # TC-3091
Adopt 2 CCR 601-1A Rules Governing the State Highway Access Category Assignment Schedule ("Access Category Rules")

Approved by the Transportation Commission on: July 18, 2013

WHEREAS, § 43-1-106 (8)(k), C.R.S. directs the Transportation Commission of Colorado ("Commission") to make all necessary and reasonable orders, rules, and regulations in order to carry out the provisions of § 43-1-101, *et seq.* C.R.S.; and

WHEREAS, § 43-2-147(1)(a) C.R.S. directs the Commission to adopt by rule a state highway access code concerning the regulation "of vehicular access to and from any public highway from or to property adjoining a public highway in order to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of public highways"; and

WHEREAS, the State Highway Access Category Assignment Schedule Rules were last adopted in April 30, 2011; and

WHEREAS, pursuant to § 43-1-106(9), C.R.S., and by Resolution No. TC-3072 on April 18, 2013, the Commission authorized the Department to open the rule-making process and delegate authority to an Administrative Hearing Officer to conduct a rule-making hearing regarding the proposed revisions to the Access Category Assignment schedule; and

WHEREAS, the Department seeks to amend the existing Access Category Rules based on the following three requests for category changes: the Town of Berthoud (a segment of SH 287); the City of Durango (a segment of SH 160); CDOT Region 6 (SH 7 within Weld County); and

WHEREAS, the Department is required to update the Rules to reflect the relinquishment of a segment of US 350 in exchange for a segment of Grant Avenue from 5th St. north to US50B, approved by Transportation Commission Resolution TC-2053 dated January 19, 2012;

WHEREAS, the Commission has reviewed the relevant documents, including the findings of Administrative Hearing Officer Micki Perez, who presided over the rule-making hearing on June 13, 2013; and

WHEREAS, the Commission, being fully apprised of the rule making record, finds that adoption of the proposed Rules is warranted.

NOW THEREFORE BE IT RESOLVED, the Commission herein adopts the proposed the State Highway Access Category Assignment Schedule ("Access Category Rules"), 2 CCR 601-1A.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

7-19-13
Date

Discuss and Act on the Resolution to Repeal Policy Directive 707.0 "CDOT/Transportation Commission Budget Adoption

Ben Stein mentioned that the Policy Directive and a Memo describing the details of the request for repeal was contained in the packet and that essentially the PD states what routines duties are in the Department and it has ceased to be relevant and therefore would be best to be repealed. Ben asked if there were further questions and if there weren't any, he requested approval of the Resolution.

Commissioner Connell made a motion for approval of the Resolution. Commissioner Aden seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution # TC-3092
Repeal Policy Directive No. 707.0 "CDOT/Transportation Commission Budget Adoption"

Approved by the Transportation Commission on: July 18, 2013

WHEREAS, § 43-1-106 (8)(a) C.R.S. gives authority to the Transportation Commission of Colorado ("Commission") to formulate general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

WHEREAS, Policy Directive 707.0 was adopted by the Transportation Commission on October 21, 2010; and

WHEREAS, Policy Directive 707.0 "CDOT/Transportation Commission Budget Adoption" should be repealed as it addresses an internal business process of the Office of Financial Management & Budget which does not rise to the level of needing to be documented in a Policy Directive; and

WHEREAS, eliminating this Policy Directive is part of the Department-wide commitment to reduce the number of Policies and Procedural Directives and repeal any that are no longer necessary; and

WHEREAS, Policy Directive 703.0 "Transportation Commission Budget Policy" provides guidance for the Department regarding Commission oversight of budget matters; a separate policy on the procedure to submit a budget to the Commission is unnecessary.

NOW THEREFORE BE IT RESOLVED, the Commission herein REPEALS Policy Directive 707.0, "CDOT/Transportation Commission Budget Adoption dated October 21, 2010."

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

7-18-13
Date

Discuss and Act on the Resolution to Approve Transit DBE Goal

Heidi Bimmerle mentioned they would be requesting approval of a Resolution that sets the 3 year overall goal for DBE participation on FTA-assisted contracts for Federal Fiscal Years 2014 - 2016. She confirmed that the proposed overall goal was 1.26% and stated that the Resolution could be found in the Agenda Packet. She explained the research that went into the goal and reported that the process was detailed in the memo included in the packet and asked for approval of the Resolution.

Commissioner Gruen made a motion for approval of the Resolution. Commissioner Barry seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved

Resolution Number TC-3093
Setting the overall goal for DBE participation on FTA-funded contracts during Federal Fiscal Years 2014, 2015 and 2016

Approved by the Transportation Commission on: July 18, 2013

WHEREAS, in accordance with 49 CFR Part 26, CDOT must establish an overall goal for Disadvantaged Business Enterprise (DBE) participation on all FTA-funded contracts for Federal Fiscal Years 2014, 2015 and 2016; and

WHEREAS, CDOT must follow the methodology established by 49 CFR Part 26 to establish the overall goal; and

WHEREAS, CDOT published its methodology and began the public comment process on June 3, 2013; and

WHEREAS, CDOT solicited public comments via newspaper advertisements and electronic mail; and

WHEREAS, after reviewing all feedback and comments received, no adjustments have been made to the goal recommendation; and

WHEREAS, 49 CFR Part 26 requires that the maximum feasible portion of the goal be met with race and gender neutral means.

NOW THEREFORE BE IT RESOLVED:

- On August 1, 2013, CDOT shall submit to FTA an overall goal of 1.26% DBE participation on all FTA-funded contracts, with the entire 1.26% to be met with race and gender neutral means.
- Following approval from FTA, the overall goal for DBE participation on FTA-funded contracts during Federal Fiscal Years 2014, 2015 and 2016 shall be 1.26%.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

7-18-13
Date

Acknowledgements

Executive Director, Don Hunt, declared that the CDOT Region 1 I-70 West Corridor Twin Tunnels Environmental Assessment (EA) Team recently received a major national honor from the FHWA. He gave the following information regarding the award:

- Over a period of 13 months beginning in October, 2011, the team began the environmental assessment process to address a variety of factors, including pressing needs in the tunnels area, safety concerns through and east of the tunnels, and congestion along the eastbound side of the I-70 corridor.

- The project successfully incorporated strategies from the FHWA's Every Day Counts initiative, which aims to expedite project delivery while protecting the environment and enhancing roadway safety. CDOT, the FHWA Colorado Division, and other government agencies worked to extend the environmental assessment beyond the normal scope of preliminary design, especially in the area of legal review. Legal staff site visits and review of the EA drafts allowed the team to resolve legal concerns early in the process, saving one month in the project's overall schedule.

- The FHWA was very pleased with the work of the team; so pleased, in fact, that the team was awarded the 2013 FHWA Environmental Excellence Award during a meeting of the AASHTO Standing Committee on the Environment in Virginia Beach, VA, on June 18.

- David Singer, Region 1 Environmental, represented the team in Virginia to accept the award.

In honoring the team, CDOT Region 1 Transportation Director Tony DeVito noted that the Twin Tunnels expansion project was the first major investment on the east part of the I-70 west mountain corridor in 40 years. He confirmed that the team won the award based on their ability to successfully balance a variety of factors, including the protection of critical environmental and cultural resources while addressing the growing transportation needs of Colorado and the nation.

In attendance for Commission recognition were team members: Melinda Urban (FHWA); Vanessa Henderson (CDOT Environmental Services); Mandy Whorton (CH2M Hill); and David Singer (CDOT Environmental); Allan Brown (Atkins North America); Randy Jensen (FHWA/retired CDOT); Tony DeVito; Ben Acimovic (CDOT R1 Twin Tunnels project manager); Gina McAfee (Jacobs Engineering/HDR Inc.); and Jim Bemelen (R1 I-70 Mountain Corridor Project Manager). Unable to attend were Lisa Schoch (CDOT Senior Staff Historian) and Lance Hanf (FHWA Legal Counsel/San Francisco office).

Other Matters

Chairman Reiff announced that the Nominating Committee members would be Commissioners Gruen, Connell and Hofmeister. He requested that the Committee to make their nominations for Chairman, Vice Chairman and Secretary at the August

meeting. He mentioned that there was an opening on the Colorado Scenic Byways Commission and requested that anyone interested in serving in that capacity should let him know.

Adjournment

Chairman Reiff announced that the meeting was adjourned at 1:10 p.m.

_____ _____

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date