

Resolution #TC-3134

Approval of the Regular Meeting Minutes of January 16, 2014

Approved by the Transportation Commission on February 20, 2014

BE IT HEREBY RESOLVED, the Transportation Commission's Regular Meeting Minutes for January 16, 2014, are approved as published in the official agenda of February 19 & 20, 2014, meeting.

**Transportation Commission of Colorado  
Regular Meeting Minutes  
January 16, 2014**

**Chairman Doug Aden convened the meeting at 12:18am in the auditorium of the headquarters building in Denver, Colorado.**

PRESENT WERE: Doug Aden, Chairman, District 7  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Kathy Connell, District 6  
Sidny Zink, District 8  
Les Gruen, District 9  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

ALSO PRESENT: Don Hunt, Executive Director  
Gary Vansuch, Director of Process Improvement  
Debra Perkins-Smith, Director of Division of Transportation  
Scott McDaniel, Acting Chief Engineer  
Heidi Humphreys, Director of Admin & Human Resources  
Amy Ford, Public Relations Director  
Soctt Richrath, CFO  
Herman Stockinger, Director of Policy and Government Relations  
Mike Cheroutes, Director of HPTE  
Mark Imhoff, Director of Division of Transit and Rail  
David Gordon, Aviation Director  
Ryan Rice, Director of Operations Division  
Darrell Lingk, Director of Office of Transportation Safety  
Tony DeVito, Region 1 Transportation Director  
Tom Wrona, Region 2 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Myron Hora, Acting Region 4 Transportation Director  
Kerrie Neet, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel

John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory Committee  
(STAC)

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

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

### **Audience Participation**

Chairman Aden noted that there were no comments from the audience.

### **Individual Commissioner Comments**

Commissioner Thiebaut stated that he traveled extensively over the holidays and noted that Colorado had some very fine roads and was the state with the most construction going on in the states that he had traveled. He stated that this is a compliment to CDOT that they do such outstanding work with limited resources.

Commissioner Gilliland wished everyone a happy 2014.

Commissioner Zink stated that she was able to meet with Montezuma County Commissioners. The Commissioners were very happy with the projects that CDOT had completed in their areas. She also mentioned the rock falls that closed US 550. She stated that safety must come first. Even though the closure is a huge inconvenience to drivers, safety demands that the road stay closed for a while.

Commissioner Connell stated that she has traveled heavily on I-70 over the previous month. Due to the increased snow and traffic, there have been significant backups. There has been a record 78 inches of snow in a week and a half. She complimented the staff who has been working to keep the roads open. They are sorely understaffed for I-70, and she would support whatever is necessary to get more help there. Tourists who are not accustomed to driving in these conditions and chain restriction violations create traffic nightmares. It took two hours to get from Silverthorne to the Tunnel. She stated that anything the Commission can do to support CDOT and pressure Highway Patrol to do more should be done.

Commissioner Barry thanked the City of Brighton who hosted her for Bagels with Barry. She spent time with Adams County discussing the RAMP projects.

### **Audience Participation**

Chairman Aden returned to the Audience Participation portion of the meeting because Mayor Michael Hillman of Idaho Springs and Commissioner Tim Mauck of Clear Creek County had arrived.

Commissioner Mauck thanked the Commission for the 1-70 Eastbound Bore and asked the Transportation Commission to agree to do the same to I-70 Westbound. He stated that not many people would have believed that Clear Creek County would advocate for further construction through the community but that the request speaks volumes to the job that Director Hunt, Tony DeVito, Region 1, Angie Drumm and the contractors have done on this project. They ran the project like a shuttle launch. It could not have been better. Clear Creek County appreciates that and appreciates the Commission considering further improvements along the corridor. He stated that this queues projects to streamline major improvements along I-70 in the future. He thanked everyone for their hard work.

Mayor Hillman thanked the Commission for the Eastbound Tunnel. He stated that even though it was difficult as a resident and business owner on the back side of the project, the project was done very well. He stated that it was great that the Commission decided to move forward with the Westbound project now rather than waiting and having to come back later. He also thanked the Commission for the acceptance of their Colorado Blvd RAMP project proposal. This project will have a large impact on the future economic growth of the community.

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

Executive Director Hunt stated that gubernatorial elections are coming up, and Governor Hickenlooper recently outlined his successes over the last three years of his administration. CDOT was prominently featured in his list of accomplishments. The Governor mentioned that the entire state was indebted to CDOT due to the Department's efforts in Flood Recovery, and he mentioned CDOT's lean process effort including a 19% decrease in contracting timelines and savings with other contract initiatives close to \$2 million. CDOT has repealed or modified approximately 20 rules. The Governor mentioned the RAMP program and the Twin Tunnel projects.

The Executive Director stated that MPACT 64 is a group across the state that started a conversation about multi-modal transportation program for the future with a sales tax base. He stated that he was disappointed to report the polling had come back and there was not enough public support for the sales tax to go to the ballot in 2014. This will not stop the Department's discussion about Colorado's need for more transportation money. It would be very difficult to get new tax sources through Congress. There are 15-20 states have raised or are in the process of raising statewide taxes in order to invest in transportation. It is necessary for Colorado to find its way inside of TABOR to remain competitive.

#### **High Performance Transportation Enterprise (HPTE) Director's Report**

Michael Cheroutes stated that HPTE had its regular board on January 15, 2014. The Board discussed the I-70E project with the Commission in order to determine the best direction forward. US-36 will close in the near future, and C-470 is still on a front burner. HPTE has important decisions to make regarding I-25N and will be turning to that soon. Brenda Smith from Colorado Springs is a new member on the

Board. She has a wealth of accounting and management experience, which will be valuable to the Board.

### **FHWA Division Administrator Report**

John Cater stated that there are many federal requirements that are necessary to go through for transportation projects, including Financial Plans. Financial Plans are required for every project that is over \$100 million, according to statutory law passed in 2005 as part of SAFETEA-LU. There must be an initial plan prior to construction and a requirement to do an annual update. He stated that the process is to ensure the Department has a handle on the funding for the large projects. There were some visible failures nationally, so it has become a point of emphasis for Federal Highways. He stated that this will be a more visible issue going forward, so the Commission is likely to hear about Financial Plans in the future.

ON January 28 & 29, there will be a peer exchange in Colorado discussing low volume roads and cost effective surface treatments for those roads. Representatives from Nevada, Utah, Montana, North Carolina and Washington will attend. The focus will be on cost effective ways to extend pavement life and getting the largest return on investment for these treatments. There will be a two day session to develop best practices to use in Colorado and elsewhere.

Chairman Aden asked Director Hunt who from CDOT was attending the peer exchange. He stated that this would be valuable learning experience for whoever could attend. Director Hunt stated that he encouraged all staff who are involved in surface treatment to participate. The Director and the Chairman thanked John Cater and the FHWA for putting the peer exchange together. Chairman Aden stated that he would like a report on the ideas and best practices that come out of the exchange.

### **STAC Report**

Vince Rogalski stated that STAC met on January 10, 2014, and reviewed the federal and state legislative update. MAP-21 expires later this calendar year, and there will likely be a continuing resolution until there can be a reauthorization. This may include a gas tax increase, but that is uncertain.

STAC also discussed Program Distribution. They discussed that Scenario 1 made sense and allows for flexibility, with the remaining variance going into TC Contingency. They discussed the history of the TRANS bonds and the current state of RPP.

STAC passed a motion to urge the TC to allocate the revenue going to TRANS bonds to RPP, which will restore the historic RPP levels.

STAC discussed FASTER-Safety and the improved metrics to document what is happening with the safety projects in terms of FASTER money.

He then stated that Tony DeVito presented the I-70 Westbound Tunnel presentation, discussing the potential savings of moving the project forward this season. After very little discussion, STAC passed a motion to advise the TC to approve the \$48 million in RAMP that was refunded previously.

He stated that Mark Imhoff discussed the various projects for FY'2015. STAC recommended unanimously to pass a motion to approve those FY2015 projects which should come before the Commission in February 2015.

STAC had the presentation on AGS and ICS that the Commission saw earlier during the day.

Scott McDaniel updated STAC in terms of RAMP and the flood. As of January 10, 2014, CDOT had received 35 of 43 RAMP letters. As of the January Commission meeting, CDOT had received 41 letters.

STAC had a presentation about Colorado's Strategic Highway Safety Plan, especially crash models demonstrating how highway fatalities can be reduced through education, fixing the roads and driver behavior.

### **Act on Consent Agenda**

Chairman Aden stated that Item F was removed from the Consent Agenda because it will require action by the Commission at a later date. Chairman Aden entertained a motion to approve the Consent Agenda items A-E. Commissioner Hofmeister moved to approve the Consent Agenda Items A-E, and Commissioner Gilliland seconded the motion. By vote of the Commission, the Consent Agenda passed unanimously.

### **Resolution #TC-3125**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes of December 19, 2013, are hereby approved as published in the official agenda of January 15 & 16, 2013.

**Resolution #TC-3126**

**Resolution # TC-3126**

**Approved January 16, 2014**

**Adoption of Policy Directive 600.0 "Equal Employment Opportunity and Affirmative Action"**

**WHEREAS**, pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission is charged with formulating general policy for the Colorado Department of Transportation ("CDOT"); and

**WHEREAS**, CDOT is required to comply with Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, and related statutes as a recipient of federal funds from the U.S. Department of Transportation; and

**WHEREAS**, CDOT is required to comply with the Colorado Anti-Discrimination Laws under § 24-34-401, *et seq.*, C.R.S.; and,

**WHEREAS**, Policy Directive 600.0 seeks to fulfill the Federal Highway Administration's requirement to have a policy in place with regard to equal opportunity employment practices and prohibition of discrimination, which practices will be implemented through all phases of CDOT's Affirmative Action Plan; and,

**WHEREAS**, Policy Directive 600.0 updates and replaces Policy Directive 600.0, "Equal Opportunity and Non-Discrimination Policy" adopted on June 18, 2008; and

**WHEREAS**, updated Policy Directive 600.0 confirms CDOT's commitment to equal opportunity in employment and the prohibition of discrimination in employment.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein adopts Policy Directive 600.00 "Equal Employment Opportunity and Affirmative Action."

*Norman J. Stockinger III*

Transportation Secretary

1-22-14

Date

**Resolution #TC-3127**

**Resolution # TC-3127**

**Approved January 16, 2014**

**Adoption of Policy Directive 603.0 "Policy Prohibiting Sexual Harassment"**

**WHEREAS**, pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission is charged with formulating general policy for the Colorado Department of Transportation ("CDOT"); and

**WHEREAS**, CDOT is required to comply with Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, and related statutes as a recipient of federal funds from the U.S. Department of Transportation; and

**WHEREAS**, CDOT is required to comply with the Colorado Anti-Discrimination Laws under § 24-34-402, C.R.S., and 4 CCR 801-1, Personnel Board Rules and Personnel Director's Administrative Procedures; and,

**WHEREAS**, CDOT is required to comply with the Equal Employment Opportunity Commission ("EEOC") requirement to have a Policy in place with regard to the prohibition of sexual harassment in the workplace; and,

**WHEREAS**, this Policy Directive updates and replaces Policy Directive 603.0, "Sexual Harassment" adopted on August 16, 2007; and

**WHEREAS**, this updated Policy Directive 603.0 confirms CDOT's commitment to the prohibition of sexual harassment in the workplace.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein adopts Policy Directive 603.00 "Policy Prohibiting Sexual Harassment."

Norman F. Stockinger III

Transportation Secretary

1-22-14

Date

**Resolution #TC-3128**

**Resolution # TC-3128**

**Approved on January 16, 2014**

**Adoption of Policy Directive 604.0 “Policy on Non-Discrimination” and Repeal of Policy Directive 611.0 “Disadvantaged Business Enterprise Program”**

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

**WHEREAS**, The Colorado Department of Transportation (“CDOT”) is required to comply with Title VI of the Civil Rights Act, 42 U.S.C. § 2000d, and related statutes as a recipient of federal funds from the U.S. Department of Transportation; and

**WHEREAS**, CDOT is required to comply with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101-12213, and related statutes as a recipient of federal funds from the U.S. Department of Transportation; and

**WHEREAS**, CDOT is required to comply with the Civil Rights Restoration Act of 1987, Pub L. No. 100-259, 102 Stat. 28, as a recipient of federal funds from the U.S. Department of Transportation; and

**WHEREAS**, CDOT created the Civil Rights and Business Resource Center to coordinate with regional civil rights staff to ensure compliance with civil rights laws; and

**WHEREAS**, revised Policy Directive 604.0 updates and replaces Policy Directive 604.0, “Non-Discrimination in Federally Funded Programs Policy” adopted on July 1, 2004; and

**WHEREAS**, Policy Directive 604.0 includes the policy specifications regarding the Disadvantaged Business Enterprise Program and thus, replaces the need for Policy Directive 611.0, “Disadvantaged Business Enterprise Program” adopted on April 15, 2010.

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves updated Policy Directive 604.00 “Policy on Non-Discrimination.”

**BE IT FURTHER RESOLVED**, the Commission repeals Policy Directive 611.0 "Disadvantaged Business Enterprise Program" as its terms have been consolidated into updated Policy Directive 604.0.

Norman F. Stockings III

Transportation Commission Secretary

1-22-14

Date

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**Resolution #TC-3129**  
**Resolution #TC-3129**

**Approved on January 16, 2014**

**PROJECT #: F006-1(2)**

**PARCEL: 33-EX**

**LOCATION: SH 85 Greeley**

**COUNTY: Weld**

**WHEREAS**, the Colorado Department of Transportation acquired 33-EX in 1949 for SH 85 right of way; and

**WHEREAS**, Parcel 33-EX contains 2.136 acres and is located in the southeast quadrant of the SH 85 Bypass and SH 85 Business interchange in northern Greeley, Weld County, Colorado; and

**WHEREAS**, CDOT Region 4 has made the determination that Parcel 33-EX is no longer needed for transportation purposes; and

**WHEREAS**, CDOT Region 4 desires to sell Parcel 33-EX for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

**WHEREAS**, the sale of Parcel 33-EX will not affect the design, construction or utility of SH 85; and

**WHEREAS**, the Department of Transportation, Region 4, recommends that the property described as 33-EX of Project F006-1(2) be declared excess property; and

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

**WHEREAS**, the Department of Transportation, has declared through its Chief Engineer, that Parcel 33-EX is no longer needed for transportation; and

**WHEREAS**, the Transportation Commission concurs with the Chief Engineer that Parcel 33-EX is no longer needed for transportation purposes.

**NOW THEREFORE BE IT RESOLVED**, that the Department of Transportation be given authority to dispose of Parcel 33-EX of Project F006-1(2) containing

2.136 acres more or less as shown in Exhibit A and contained in the official agenda.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that 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 J. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

1-22-14  
Date

**Discuss and Act on the 7<sup>th</sup> Supplement to the FY2014 Budget**

Scott Richrath stated that there were two walk-ons for the January Commission meeting. The first walk-on is for Region 5 for a US550-160 continuous flow intersection in Durango. There were no bids in the first opening for this project. There was a single competitive bid in the second opening, which was after the mailing of the Commission's January packet. This bid came was more than 15% more than the allotted budget amount, which then requires the approval of the Commission. This project is part of the Highway Safety Improvement Program approved list. Transportation Systems Management and Operations have signed off on the project.

He stated the second of the walk-ons is related to the funding of the Region 4 Greeley Headquarters project, which the Commission approved in November. The staff had agreed in November to come back to the Commission with a funding alternative. Initially, the \$20 million would be financed through Certificates of Participation (COP). The staff decided it was possible to manage cash finances effectively to fund that project internally. The staff recommendation was altered from the one in the packet and requests permission from the Commission to advance budgeting to fund the project.

He then discussed the Twin Tunnels project in the supplemental packet. Tony DeVito provided a presentation, and local partners spoke to the Commission earlier about it. The staff sought funding through the supplemental process for \$47 million of what would have been HPTE RAMP funding and \$7 million of Region 1 Regional Priority Program advanced from next year.

He then outlined five surface treatment projects that are part of the Asset Management's approved FY'2014 project list.

Chairman Aden entertained a motion to approve the Supplement including the two walk-on requests. Commissioner Connell moved to approve the resolution, and the Commissioner Zink seconded the motion. By vote of the Commission, the resolution was unanimously approved.

**Resolution #TC-3130**

**Resolution Number #TC-3130**

**Approved by the Colorado Transportation Commission on January 16, 2014**

**Approve the 8<sup>th</sup> Budget Supplement to the FY'2014 Budget**

**WHEREAS**, pursuant to C.R.S. 43-1-211, CDOT is authorized to purchase land and/or build buildings suitable for offices for housing machines, tools, and equipment and pursuant to C.R.S. 43-1-212, CDOT may enter into rental or leasehold agreements under which the department may acquire title to such buildings with the approval of the Governor, the Chief Engineer, the Director of the Office of State Planning and Budgeting and a majority of the Transportation Commission; and,

**WHEREAS**, a Facility Needs Assessment was completed by CDOT Property Management indicated that CDOT Region 4 Headquarters Building located in Greeley, CO, currently has facility deficiencies; and

**WHEREAS**, the building deficiencies include, but are not limited to, fire and other safety hazards, size constraints, inefficient access and site circulation; and

**WHEREAS**, CDOT Property Management and Region 4 contracted with real estate brokerage firm CRBE, Inc. to analyze and identify viable alternative relocation sites for the Region 4 Headquarters Building; and

**WHEREAS**, after a thorough analysis, CDOT and CRBE have identified a site located in Greeley, CO, and on the US 34 Business Loop as the preferred alternative location to build a new CDOT Region 4 Headquarters facility; and

**WHEREAS**, the current baseline budget for the new Region 4 Headquarters building and sufficient space for the Colorado State Patrol to purchase from CDOT as a part of this transaction is \$19,866,735, which includes LEED certification as required by C.R.S. 24-30-1301(13); and

**WHEREAS**, relocating the Region 4 Headquarters will also require that a new vehicle maintenance and regional storeroom supply facility be built; and

**WHEREAS**, CRBE's and CDOT's study of this issue has identified the best location for this facility to be on land that CDOT already owns in Gilcrest, CO, with the cost of erecting this facility included in the dollar amount specified in the prior paragraph; and

**WHEREAS**, in November 2013, the Transportation Commission approved the advancement of \$2M of FY15 Property Management Capital Construction

sufficient space for the Colorado State Patrol, subject to arrival at a mutually satisfactory interagency agreement with the Colorado State Patrol to reimburse CDOT for the State Patrol's pro rata share of the facility.

**IT IS FURTHER RESOLVED** that the Transportation Commission authorizes CDOT to market and sell in accordance with 43-1-210(5) the existing CDOT Region 4 Headquarters Site and the residencies located in Evans, CO, and Loveland, CO, and authorizes that the funds received from the sale of these properties be returned to the Transportation Commission for it to allocate, or if so permitted by the covenants associated with any potential Certificates, to accelerate the pay down of the balance of the Certificates of Participation issued for the new Region 4 Headquarters project.

**IT IS FURTHER RESOLVED** that the primary source for the repayment of any potential certificates not repaid from the sale of these properties or the payments toward the cost of the facility reimbursed by the Colorado State Patrol (to the extent permitted by the covenants of the Certificates) shall be repaid through annual allocations made as a part of the annual budget process as approved by the Transportation Commission.

Heorman J. Stockinger III

Transportation Secretary

1-22-14

Date

**Discuss and Act on a Resolution for the COP for the Relocation of Region 4 Headquarters**

Chairman Aden stated that due to the fact that Region 4 Headquarters request was included in the Budget Supplement, this item would be removed from the agenda.

**Discuss and Act on a Resolution for the Adoption of Temporary Tunnel Rules and a Resolution for Promulgation of Permanent Tunnel Rules**

Tony DeVito requested the Commission to adopt the proposed rules on a temporary basis so that they can be in place for the remaining winter months of this year. If the Commission chose not to adopt the rules on a temporary basis, the permanent rules would not go into effect until July 2014. He also asked the Commission to open the rule-making process for the Tunnel Rules. The Commission has authority of 13 sets of administrative rules, and the Tunnel Rules are among those.

Tony DeVito stated that the Commission last adopted Tunnel Rules in 1986. He read the definition of "combustible liquid" out of the previous set of rules to demonstrate that it was too technical to be understood by a majority of drivers who need to know what is restricted and what is not.

While these rules govern all the tunnels on the state highway system, the most important sections concern the Eisenhower Johnson Memorial Tunnel (EJMT). The rules state which HAZMAT materials are prohibited at all times from using the EJMT and which HAZMAT may go through the EJMT when Loveland Pass is closed. Loveland Pass closes on average 20 times a year due to snow and avalanche conditions. During those periods HAZMAT vehicles must be accommodated through the EJMT, typically on the top of the hour except during peak period operations. HAZMAT transportation statewide is under the authority of the Colorado State Patrol (CSP) with the exception of CDOT tunnels.

The rules that the Commission is asked to approve will make many improvements to the existing rules. The new rules will be placard based, colored on top with either red or green demonstrating what is never allowed in the EJMT and what is allowed when Loveland Pass is closed. These new rules are clear, concise and interpretable.

The temporary rules also correct federal regulations in the old set of rules that were improperly referenced.

This is a culmination of a year-long process working with CSP, Colorado Motor Carriers, the Colorado-Wyoming Petroleum Marketers Association (who included a letter of support), the ski areas, the I-70 Coalition and the US Forest Service. He requested the Commission to approve both the temporary and the permanent rules making processes.

Chairman Aden entertained a motion to approve a resolution to open the Tunnel Rules and to approve a separate resolution to adopt temporary Tunnel Rules. Commissioner Gilliland moved to approve both resolutions, and Commissioner Connell seconded that motion. By vote of the Commission, the resolutions passed unanimously.

**Resolution #TC-3131**

**Resolution # TC-3131**

**Approved by the Colorado Transportation Commission on January 16, 2014**

**Open Rule-Making Regarding Revisions to the Rules Governing the Use of Tunnels on Colorado State Highways, 2 CCR 601-8 and Delegate Authority to an Administrative Hearing Officer to Hold a Public Rule-Making Hearing.**

**WHEREAS**, § 43-1-106(8)(k), C.R.S., § 42-4-106 (7)(a) and (b), C.R.S., § 42-20-301(3), authorize the Transportation Commission of Colorado (the "Commission") to promulgate rules governing the use of tunnels on Colorado state highways ("Tunnel Rules"); and

**WHEREAS**, the Commission adopted the Tunnel Rules in 1986, with a subsequent adoption making minor corrections in 2008; and

**WHEREAS**, the current rules require updating in order to conform to current federal regulations and provide clearer guidance to the travelling public; and

**WHEREAS**, pursuant to Governor Hickenlooper's Executive Order D 2012-002, the proposed rules are drafted in clear language to make them accessible to CDOT personnel, Colorado State Patrol, motor carriers and the travelling public; and

**WHEREAS**, following the measures taken by the Department to comply with the Administrative Procedure Act, the proposed Rules will be submitted to the Commission for approval and adoption.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission herein opens the rule-making process and delegates authority to an administrative hearing officer to preside over a public rule-making hearing on the modifications to the Rules.

Norman J. Stockinger III  
Transportation Commission Secretary

1-22-14  
Date

**Resolution #TC-3132**

**Resolution # TC-3132**

Approved by the Colorado Transportation Commission on January 16, 2014

**Adopt Temporary Rules Governing the Use of Tunnels on Colorado State Highways, 2 CCR 601-8 and Direct the Department to Comply with all Requirements of the State Administrative Procedure Act.**

**WHEREAS**, § 43-1-106(8)(k) C.R.S., § 42-4-106 (7)(a) and (b), and C.R.S., § 42-20-301(3), authorize the Transportation Commission of Colorado (the "Commission") to promulgate rules governing the use of tunnels on Colorado state highways; and

**WHEREAS**, the current rules were last updated in 1986, with minor revisions in 2008; and

**WHEREAS**, the current rules require updating in order to conform to current federal regulations, eliminate obsolete information and provide clearer guidance to the travelling public; and

**WHEREAS**, pursuant to Governor Hickenlooper's Executive Order D 2012-002, the proposed rules are drafted in clear language to make them accessible to CDOT personnel, Colorado State Patrol, motor carriers and the travelling public; and

**WHEREAS**, the Commission finds that temporary adoption of the Tunnel Rules is imperatively necessary for the health, safety and welfare of the travelling public so that the Rules will be immediately in conformance to federal regulations; and

**WHEREAS**, immediate adoption is necessary so that clear guidance is provided to CDOT tunnel personnel, the Colorado State Patrol, motor carriers and members of the travelling public during the inclement weather in the remaining winter and early spring months of 2014; and

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission herein adopt temporary rules Governing the Use of Tunnels on Colorado State Highways, 2 CCR 601-8 and directs the Department to take all necessary steps to comply with the State Administrative Procedure Act.

Norman J. Stokinger III  
Transportation Commission Secretary

1-22-14  
Date

## **Discuss and Act on a Resolution to Approve the Interregional Express (IX) Bus Plan and Implementation**

Mark Imhoff stated that he was requested the Commission's approval of the Interregional Express Bus Plan and Implementation. There have been more than a year of outreach efforts and a very active subcommittee of the Transit and Rail Advisory Committee leading to this resolution. There have been presentations along both corridors.

Part of the resolution describes the funding sources for FY2014, including \$10.9 million from a combination of unallocated FASTER and unallocated Senate Bill 1 transit funds. He also requested authorization for \$3 million each year from the FASTER Statewide Transit Pool. Included in that would be a reserve fund that would never grow more than \$3 million, which the Transportation Commission would control.

He stated that as part of the expenditure, CDOT will purchase 13 over the road coaches for an estimated cost of \$7.8 million, contracted with a private operator for three years with two one-year options. That is estimated at \$5.85 million for the three years. Park and ride improvements will cost \$1 million, and miscellaneous capital, operating expenses and an initial deposit into the IX Reserve will be approximately \$1.5 million.

He requested the Commission to designate the T&I Committee as the IX Bus Operating Committee. As soon as buses are delivered, there will be a 30 day testing period. Service will open late in 2014 or early in 2015, as soon as the fleet becomes available. The system will be established so that there is a three year operational assessment for the Commission, at which time the service will be evaluated to be continued, modified or canceled.

Director Hunt stated that it will be necessary to obtain an operator within the Operating Cost Plan that was put forward by the Transit Division. He stated that he and Mark Imhoff are working to limit CDOT's financial exposure until the time that CDOT receives a successful bid from an operator within the financial constraints of the operating plan. Bus purchases, employee hires and similar expenditures will be limited until that bid is received.

Commissioner Gilliland stated that she is very excited about CDOT's opportunity to invest in transit to this extent. It will provide a sustainable backbone service for the state. This will include the I-25 and I-70 West. She stated that she hopes for success and hopes that CDOT continues to move forward.

Chairman Aden entertained a motion to approve the resolution for the Interregional Express Bus Plan and Implementation. Commission Gilliland moved to approve the resolution, and Commissioner Gruen seconded the motion. By vote of the Commission, the resolution passed unanimously.

Chairman Aden stated that this is a historic occasion for CDOT. Over the years, the discussion around CDOT's role in transit has evolved. It is an exciting time, and a big step forward.

### **Resolution #TC-3133**

#### **Resolution #TC-3133**

Approved by the Transportation Commission on: January 16, 2014

#### **Approving Implementation of the Interregional Express Bus**

**WHEREAS**, the CDOT mission is to "provide the best multi modal transportation system for Colorado"; and

**WHEREAS**, the Colorado Legislature created the Division of Transit & Rail in 2009 (Senate Bill 09-094) vesting in CDOT the authority to develop, operate and integrate transit service into the statewide transportation system, and to establish and modify fares and schedules for transit services provided directly by the state or contracted for by the state; and

**WHEREAS** the FASTER legislation (Senate Bill 09-108, Section 43-4-206) provides ten million dollars per year for statewide transit including the maintenance, operation, or administration of transit-related projects; and

**WHEREAS** transit service connectivity is lacking due to service gaps exist between local transit systems; and

**WHEREAS** the I-25 and I-70 corridors carry high volumes of travelers and experience high levels of congestion, and therefore have significant transit demands; and

**WHEREAS** the Transportation Commission directed the development of an interregional express bus plan in December, 2012; and

**WHEREAS** the development of an interregional express bus plan included stakeholder outreach.

**WHEREAS**, upon approval by the Transportation Commission, CDOT is prepared to begin interregional express bus service in FY 2015 after it contracts with an operator and obtains fleet vehicles.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves that CDOT shall provide interregional express bus service, through a contract with a private operator, and approves that service will be initiated in the following areas:

- o I-25 corridor between Colorado Springs and Denver, and Fort Collins and Denver.
- o The I-70 corridor between Glenwood springs and Denver.

**BE IT FURTHER RESOLVED** that an initial FY 2014 Start-Up Fund of \$10.9 Million shall be established from the following sources:

**Other Matters**

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

**Acknowledgements**

Chairman Aden stated that there are not acknowledgements.

**Adjournment**

Chairman Aden announced that the meeting was adjourned at 1:00pm.

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

9-6-14  
Date

