**Transportation Commission of Colorado**
**Regular Meeting Minutes**
**June 18, 2015**

**Chairman Ed Peterson convened the meeting at 8:28a.m. in the SpringHill Suites in Grand Junction, Colorado.**

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

Excused: Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Shailen Bhatt, Executive Director
Mike Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Amy Ford, Communications Director
Maria Sobota, Acting CFO
Herman Stockinger, Government Relations Director
Mark Imhoff, Director, Division of Transit and Rail
Karen Rowe, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Kathy Young, Chief Transportation Counsel

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 Peterson opened the meeting for general public comment.

Carter Sales, representative for Highlands Ranch Neighborhood coalition and resident of Highlands Ranch, discussed sound walls alongside the proposed C-470 express lanes project. The Highlands Ranch Neighborhood Coalition is comprised of residents who live south of C-470 between Broadway and Quebec who support the project, but have concerns about noise. He expressed concern that increased capacity of C-470 will increase noise. He noted that in the initial 2006 Environmental Analysis (EA), 16,000 linear feet of noise abatement walls and berms between University and Quebec were recommended. However, in the updated EA, the noise abatement walls

and berms have been cut down to 5,000 linear feet, a 70% reduction of sound walls in the plan. The Neighborhood Coalition met with CDOT in April, however CDOT did not release their internal noise study to the group. The Highlands Ranch Neighborhood coalition hired their own independent firm specializing in noise abatement, who supported the 2006 EA's recommendation for sound mitigation. They would like to meet with CDOT noise engineers to come up with a solution. Mr. Sales brought this to the Commission in the hopes of finding a collaborative solution. Commissioner Peterson thanked Mr. Sales for his comments.

Terry Binder, from Club 20, wanted to thank the Commission for keeping the entire state on their agenda, rather than just representing the issues of their individual locations. Mrs. Binder hoped that the Commission will continue working towards a statewide transportation plan.

Jim Hancock, Town Engineer for the Town of Gypsum, was present to show his support for the Devolution of SH 6 agenda item. He offered his support if the Commission had any questions on the topic.

**Individual Commissioner Comments**

Commissioner Barry, via teleconference, apologized for not being there in person. She reported that there will be a lot of activity over the next few weeks with summer construction season, US 36 work, and final bids on North I-25.

Commissioner Aden thanked everyone for a great sendoff. He intends to stay active in Transportation in Colorado. He wished Commissioner Barry all the best as she moves on from the Commission.

Commissioner Gruen thanked the commission for the previous evening's sendoff dinner. He wished all his colleagues the best as they move forward, and hopes that his constituents felt like he served them well during his tenure.

Commissioner Zink stated how much respect she has for the devotion and knowledge the outgoing commissioners have. She appreciates the commission for holding a meeting outside the Denver Metro area, and thanked Grand Junction for hosting.

Commissioner Reiff thanked Commissioner Barry, Commissioner Aden and Commissioner Gruen for their exemplary service. He also thanked Chairman Peterson for his leadership and devotion to the Commission. Commissioner Reiff thanked the representative from the Highlands Ranch Neighborhood Coalition for his concerns, and encouraged him to continue a dialogue with CDOT.

Commissioner Gifford thanked everyone and had a wonderful time serving with Commissioners Aden, Barry and Gruen. In District 1, Region 1, there is a lot going on between future CDOT HQ relocation and CDOT working with the City and County of Denver on an IGA for the I-70 East reconstruction project.

Commissioner Gilliland extended a thanks to the outgoing Commissioners. It has been a pleasure working with and learning from them. She has appreciated her time serving on the commission and has noticed the commission has become stronger over the past 8 years and moving forward. Commissioner Gilliland gave an update on

last week's transportation summit in Weld County. She attended the summit with Executive Director Bhatt and members of CDOT Staff. She expressed concern that the meeting was biased towards TRANS bonds supporters. She hoped a more open discussion would take part on the opportunities on transportation and funding. However, the summit did bring a tremendous amount of people to the table to learn about the issues of transportation planning and funding. She cannot stress enough how important long term stability to revenue is to transportation in the state. She thanked Executive Director Bhatt for his comments at the Weld County Transportation meeting.

Vice Chair Connell stated it has been a pleasure serving with the outgoing Commissioners. She wanted to update HW 9 project is under construction and is causing some delays, but the project is moving forward. Vice Chair Connell thanked outgoing Chair Peterson for his work as Chair.

Chairman Peterson wanted to echo all the great things everyone has said about the outgoing commissioners. They have been devoted commissioners and public servants, as well as friends. He hopes they will continue to be a part of transportation in the state moving forward. Chairman Peterson thanked and recognized staff for bringing the Commission to the Western Slope and for serving the needs of the whole state.

**Executive Director's Report**

Executive Director Shailen Bhatt noted he has not had a long time to work with the outgoing Commissioners, but he has enjoyed his time with them. He appreciated the historical knowledge Commissioners Aden and Gruen were able to provide with him. Director Bhatt stated that Director of Administration and Human Resources Heidi Humphries will be leaving CDOT. She has done a great job in her tenure at CDOT and we wish her the best of luck in her new position. He thanks the commission for being awesome to work with over his first five months, and thanks the chair for helping.

Director Bhatt mentioned that this is his second time in Grand Junction, and that he feels a connection to Grand Junction. Staff and Commissioners took Bustang from Denver to Grand Junction. He thanked staff for their efforts in planning the trip. He pointed out that Grand Junction has a great Regional Transportation Director in Dave Eller. He also thanked Kim Wood for planning all the logistics in Grand Junction and Susan Jacobs for planning lunch for the Commission and Staff to meet with local leaders in Glenwood Springs.

**Chief Engineer's Report**

Chief Engineer Josh Laipply informed the commission on his communications with the Union Pacific Railroad (UPRR). US 85 between Greeley and Ault lies within the UPRR Right of Way (ROW). CDOT had a 50 year lease on the ROW that expired about a year ago. Staff has been negotiating with UPRR to continue to lease the ROW, however UPRR historically does not like long term leases. A one year lease has been signed that will expire soon. Progress is being made in negotiations, and in the next 2 months an agenda item will come forward to discuss evaluations on permanent rights, or however a deal will be structured that makes sense for that state. He is

hoping to have a permanent solution in front of the Commission in the next 6-9 months. Executive Director Bhatt added Railroad negotiations can be challenging and that Josh is doing a great job in the negotiations. CDOT acts in much the same nature as railroads when it comes to ROW protections and leasing, making it a delicate and important negotiation.

**FHWA Division Administrator Report**

No representative for FHWA was present.

**Act on Consent Agenda**

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

**Resolution #TC-15-6-1**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for May 21, 2015, are approved with minor grammatical modification from the version published in the official agenda of the June 17 & 18, 2015 meeting.

**Resolution #TC-15-6-2**

**Resolution #TC-15-6-2**

Approval of memorial highway designations passed by the Colorado General Assembly

**Approved by the Transportation Commission on June 18, 2015**

**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 2015 during the First Regular Session, the State of Colorado's Seventieth General Assembly has adopted the following Senate Joint Resolution and House Joint Resolutions; and

**WHEREAS,** during the 2015 Legislative Session the General Assembly adopted Senate Joint Resolution 15-014 designating Colorado State Highway 159 from the intersection with U.S. Highway 160 to the New Mexico state line in Costilla County, as the "Costilla County Veterans Memorial Highway"; and

**WHEREAS,** during the 2015 Legislative Session the General Assembly adopted House Joint Resolution 15-1012 designating a portion of State Highway 93 from mile marker zero to Colorado State Highway 72 in Jefferson County the "JCSO Sergeant David M. Baldwin Memorial Highway"; and

**WHEREAS,** during the 2015 Legislative Session the General Assembly adopted House Joint Resolution15-1024 designating a segment of Colorado State Highway 96 between mile marker 7 and mile marker 8 in Custer County the U.S. Army Ranger Christopher A. Horns Memorial Highway

**NOW THEREFORE BE IT RESOLVED,** that the Transportation Commission hereby approves Senate Joint Resolution 15-014 and House Joint Resolutions 15-1012 and 15-1024.

Herman J. Stockinger III — 6-23-15

Herman Stockinger, Secretary — Date
Transportation Commission of Colorado

## Discuss and Act on OSOW Rules

Josh Laipply stated that the Commission has purview over rules. Staff would like to open the Oversize, overweight rules up for update. CDOT has instituted an electronic permitting system that allows operators to self-permit. Staff would like to update rules to match the permit system and to create a map of bridges high clearance vehicles cannot go through. Currently the rules state that maps should show bridges with high clearance. Staff believes it is easier and more user friendly to make this switch.

Chairman Peterson entertained a motion to approve the resolution to update the OSOW Rules. Commissioner Aden moved for approval of the resolution, and Commissioner Gruen seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

## Resolution #TC-15-6-3

**Resolution #TC-15-6-3**

Open Rule Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Hearing Regarding Amendments to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("OSOW Rules"), 2 CCR 601-4.

**Approved by the Transportation Commission on June 18, 2015**

**WHEREAS**, § 42-4-510(1)(b)(I), § 42-4-510(1.7)(B)(II)(B), § 42-4-511(1) and § 43-1-106(8)(k) C.R.S. authorize the Transportation Commission of Colorado ("Commission") to promulgate rules regarding permits for extra-legal vehicles or loads; and

**WHEREAS**, the proposed amendments to the OSOW Rules are based on changes to Auxiliary Power Unit ("APU") requirements from a change in weight made in MAP-21 (23 U.S.C. 127) increasing it from 400 to 550 pounds; and

**WHEREAS**, additional changes are based on statutory changes resulting from HB14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate overweight divisible loads pertaining to power units utilizing a trailer with two or three axles; and

**WHEREAS**, the Department seeks to clarify height restrictions in § 42-4-504(1), C.R.S., by providing information to motor carriers where the low structures are located in the state rather than where clearances are in excess of 13 feet in height (up to 14 feet six inches in height); and

**WHEREAS**, the proposed amendments incorporate processes for CDOT's electronic permitting system for oversize and overweight vehicles; and

**WHEREAS,** the Commission has the authority to delegate authority to an Administrative Hearing Officer for the purposes of conducting a rule-making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Rules; and

**WHEREAS**, proposed amendments of the Rules further effectuate Governor Hickenlooper's Executive Order 2012-002, which directs all state agencies to review and update any existing rules to confirm that they are effective, efficient and essential; and

**NOW THEREFORE BE IT RESOLVED,** the Commission opens the rule-making process and authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act for the purpose of amending the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

**BE IT FURTHER RESOLVED,** the Commission delegates its authority to conduct the public rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and provide the rule-making record, findings, and the proposed amendments to the Rules to the Commission for consideration and adoption.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15
Date

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## Discuss and Act on the Resolution to Approve the SIB Rate

Chief Financial Officer Maria Sobota gave a semi-annual report on the interest rates for the State Infrastructure Bank (SIB). She asked for Commission approval to keep rates at 2.5% per a recommendation from finical adviser, Stifel. Commissioner Reiff asked how Stifel decided on these rates. Maria said they believed that the rates are still volatile, and would be wise to revisit in December.

Chairman Peterson entertained a motion to approve the resolution to approve the SIB Rate. Commissioner Connell moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-15-6-4**

**Resolution #TC-15-6-4**

Approval of SIB Rate

**Approved by the Transportation Commission on June 18, 2015**

**WHEREAS,** the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

**WHEREAS,** the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

**WHEREAS,** the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

**WHEREAS,** pursuant to 2CCR 605-1 (rule V) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November; December of the first half of fiscal year 2016; and

**WHEREAS,** based on current market conditions, the Department has recommended an interest rate of two and one half percent (2.50%) on all loans originating in the first half of the State fiscal year 2016; and

**NOW THEREFORE BE IT RESOLVED,** the Transportation Commission authorizes the Department, under the guidance and direction of the Chief Financial Officer, under the terms and provisions set forth in the adopted rules, to assess an interest rate of two and one half percent (2.50%) on all bank loans for the first half of the State fiscal year 2016.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

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**Discuss and Act on Updated Resolution to Central City SIB Loan**

Maria Sobota stated in February a SIB Loan to Central City was approved by the Commission. In the loan authorization process, Central City encountered a TABOR issue. As a result, they created a Transportation Enterprise to execute the Loan. The Loan remains the same as the approved February one, however the Group name and escrow agent has changed. Commissioner Aden clarified this is the same deal, just running the revenue through an enterprise.

Chairman Peterson entertained a motion to approve the resolution to update the Central City SIB Loan. Commissioner Aden moved for approval of the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

## Resolution #TC-15-6-5

**Resolution #TC-15-6-5**

Approval of Central City SIB Loan Application

**Approved by the Transportation Commission on June 18, 2015**

**WHEREAS,** the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

**WHEREAS,** the General Assembly passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

**WHEREAS**, a loan application has been submitted by the City of Central (borrower), to borrow $1,521,639 to correct drainage issues and mitigate rockslide incidents; and

**WHEREAS,** the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, in 2 CCR 605-1 regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

**WHEREAS,** pursuant to 2 CCR 605-1, Rule VI, Section 4 the Review Committee has reviewed and is in support of the application; and

**WHEREAS,** 2 CCR 605-1, Rule VI, Section 6 (2) provides "loan agreements for construction will specify that funds will be disbursed in their entirety to a third party fiduciary or escrow agent" unless the Transportation Commission provides a specific exemption; and

**WHEREAS,** the borrower has expressed its intent to attain UMB Bank (the agent) as the third party fiduciary, escrow, or administrative agent to confirm proper documentation from the borrower for loan draws and pay a 0.75% origination fee, with the Department's Division of Highways, directly disbursing funds to the borrower upon receipt of the agent's confirmation; and

**WHEREAS,** the Division of Project Support has reviewed and acknowledged the highway projects significance to transportation goals for which the Borrower requests to borrow funds; and

**WHEREAS,** a sufficient amount is available to loan in the highway account; and

**WHEREAS,** the Colorado Transportation Commission previously approved an application for a loan for an equal amount for the same projects to the City of Central in Resolution #TC-15-2-6; and

**WHEREAS,** the term of the loan is ten (10) years with a 2.50% interest rate, set by the Transportation Commission semi-annually, the Borrower must allow CDOT to have consent rights to any new parity obligations before issued by the City; and provide CDOT the ability to retain any gaming revenues to be rebated back to the City in the event of non-appropriation; and

**NOW THEREFORE BE IT RESOLVED,** the Transportation Commission authorizes the Department, under the guidance and direction of the Chief Financial Officer, to execute a loan agreement with the borrower in an amount of $1,521,639 under the terms and provisions set forth in the adopted rules.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

**Discuss and Act on the 12th Budget Supplement of FY 2015**

Maria Sobota reviewed the 12th Supplement as listed in the packet of information provided to the Commission, including a request from Aeronautics to increase administrative cost for 2015. This will not take money from grant program, rather funding will come from existing cost centers. She expects to come back with an update for 2016 and a 2017 budget of close to $1 million. Additionally, in the supplement is a request for $1 for hazardous materials, to stay compliance with property group this money is needed to cover costs. If approved, this cost will be ongoing in FY 2016 and 2017. The question was asked why the aeronautics building was remodeled if the building will soon be vacated? Maria responded that this was done previous to any decisions on relocations. Chairman Peterson noted the Commission saw first-hand the need to resurfacing of SH 23, and is glad to see that in the supplement. Commissioner Aden asked Josh Laipply how much is left in RAMP after the project in Vail? It is noted in the supplement that there is $23.8 million remaining.

Chairman Peterson entertained a motion to approve the resolution to adopt the 12th Budget Supplement of FY 2015. Commissioner Aden moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Resolution #TC-15-6-6**

BE IT SO RESOLVED, that the 12th Supplement to the Fiscal Year 2014-2015 Budget as amended be approved by the Commission.

**Discuss and Act on the Devolution of SH6**

Dave Eller stated that CDOT has been working with the local team to find a way to devolve the road in the fairest way. Staff is presenting a 4% net present value for the highway, for a total of $12,176,096 with $5.57 million coming from Asset Management, with remainder of funding coming from Transportation Commission contingency funds. IT was stated that with more devolution projects coming forward, devolution is a good thing for communities to better do what fits them, and allow CDOT to focus on other items.

Chairman Peterson entertained a motion to approve the resolution to devolve SH 6. Commissioner Aden moved for approval of the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

# Resolution #TC-15-6-7

**Resolution #TC-15-6-7**

**Approved by the Transportation Commission on June 18, 2015**

Devolution of State Highway 6 between Mile post 142 to milepost 149.67 to the Town of Eagle and the Town of Gypsum

**WHEREAS,** The Department of Transportation owns 7.67 linear miles of Highway in the Town of Gypsum, and Eagle and Eagle County, Colorado identified as State Highway 6 (US 6E);

**WHEREAS**, Region 3 has determined that abandoning this portion of US 6E would be in the best interest of Colorado taxpayers;

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

**WHEREAS,** the (1) Town of Gypsum proposed to take ownership of US 6E from Milepost 142.00 to Milepost 147.7, and (2) Town of Eagle proposed to take ownership of US 6E from Milepost 147.7 to Milepost 149.67, in exchange for a payment from CDOT;

**WHEREAS,** the payment is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6E over the next 20 years;

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

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

**WHEREAS**, the Parties agree to prepare the necessary right-of-way plans to execute the abandonment;

**WHEREAS,** the governing bodies of the Town of Gypsum and Town of Eagle will adopt a resolution, agreeing to the state's abandonment of the portion of US 6E, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

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

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves Region 3 to proceed with the devolution of US 6E to the Town of Gypsum and Town of Eagle.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

**Discuss and Act on Resolution to Relocate Statewide and Region 1 Headquarters**

Chairman Peterson presented a modified motion on the topic. Chairman Peterson noted there was a change to the motion authorizing staff to increase spending from $1.8 million to $2.0 million, offering a rationalization that as the project is major and complex, he did not want to short change the proposal.

Commissioner Reiff suggested increasing design cost from $1.5 million to $1.7 million to reflect the previous change. This amendment was incorporated in the resolution

Commissioner Reiff stated his appreciation for all the steps Heidi Humphries and Herman Stockinger have taken over the last week to make the resolution a reality after the special session. Commission is interested in consolidation and appreciates the information put together to allow staff to move forward while giving the commission all the necessary and relevant information.

Chairman Peterson thanked staff and Commissioner Reiff for working closely to make a resolution that conforms to the initial intent.

Chairman Peterson entertained a motion to approve the resolution to relocate Statewide and Region 1 Headquarters. Commissioner Connell moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed 8-1.

**Resolution #TC-15-6-8**

**Resolution #TC-15-6-8**

Authorization by the Transportation Commission for CDOT Headquarters and Region 1 Headquarters Relocation subject to final approval at a later date.

**Approved by the Transportation Commission on June 18, 2015**

**WHEREAS,** the Colorado Department of Transportation ("CDOT") is an executive department of the State of Colorado; and

**WHEREAS,** the Colorado State Transportation Commission (the "Commission") is the governing body of CDOT; and

**WHEREAS,** CDOT presently intends to acquire or construct certain properties to house CDOT operations (the "Project"), including but not limited to its Administrative Headquarters and Region 1 Headquarters in Denver; and

**WHEREAS,** CDOT currently intends and reasonably expects to participate in a Certificate of Participation (COP) or other financing plan for the Project, and include in that plan the Region 4 facility currently under construction; and

**WHEREAS,** CDOT must provide earnest money, continue negotiations for site selection and secure a design-build team contractor in order to continue on the current project schedule and reach a Guaranteed Maximum Price (GMP) for the Project; and

**WHEREAS,** Commission allocation of Transportation Commission Contingency Reserve Funds for specific purposes does not constitute authorization to finalize site selection, project delivery method or financing plan without future action by the Commission.

**NOW, THEREFORE, BE IT RESOLVED,** the Commission herein approves staff to issue and award a Request for Proposal (RFP) for a design-build contractor for the purpose of continuing design efforts on the Project, provided that the design-build contract awarded pursuant to the RFP (1) may be terminated for convenience by CDOT without additional payment or penalty, and (2) provides that no more than $1.7 million (the "Initial Design Amount") may be expended under the contract prior to the establishment of a GMP.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission must approve expenditures beyond the Initial Design Amount.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission authorizes staff to expend up to $2.0 million (in aggregate, including the Initial Design Amount) of Transportation Commission Contingency Reserve Funds to fund design through the Design-Development Phase, provide earnest money in an effort to secure potential site location(s) for the Project, and establish the project GMP.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission requests that staff provide an update to the Commission upon establishment of the Project GMP.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15
Date

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## Discuss and Act on Authorization of Region 2 Headquarters Relocation

Chairman Peterson entertained a motion to approve the resolution to relocate Region 2 Headquarters. Commissioner Gruen moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Chairman Peterson requested a roll call vote.

Commissioner Gifford: AYE
Commissioner Reiff: AYE
Commissioner Barry: AYE

Commissioner Gilliland: AYE
Commissioner Aden: No
Commissioner Zink: AYE
Commissioner Gruen: AYE
Commissioner Thiebaut: Excused
Commissioner Hofmeister: Excused
Vice Chair Connell: AYE
Chairman Peterson: AYE

Chairman Peterson stated that the motion passed with one Commissioner voting No

## Resolution #TC-15-6-9

**Resolution #TC-15-6-9**

Authorization by the Transportation Commission for Region 2 Headquarters Relocation subject to final approval at a later date.

**Approved by the Transportation Commission on Jun 18, 2015**

**WHEREAS,** the Colorado Department of Transportation ("CDOT") is an executive department of the State of Colorado; and

**WHEREAS,** the Colorado State Transportation Commission (the "Commission") is the governing body of CDOT; and

**WHEREAS,** CDOT presently intends to acquire or construct certain properties to house CDOT operations (the "Project"), including but not limited to its Region 2 Headquarters in Pueblo; and

**WHEREAS,** CDOT currently intends and reasonably expects to participate in a Certificate of Participation (COP) or other financing plan for the Project; and

**WHEREAS,** CDOT must provide earnest money, continue negotiations for site selection and secure a design-build team contractor in order to continue on the current project schedule and reach a Guaranteed Maximum Price (GMP) for the Project; and

**WHEREAS,** Commission allocation of Transportation Commission Contingency Reserve Funds for specific purposes does not constitute authorization to finalize site selection, project delivery method or financing plan without future action by the Commission.

**NOW, THEREFORE, BE IT RESOLVED,** the Commission herein approves staff to issue and award a Request for Proposal (RFP) for a design-build contractor for the purpose of continuing design efforts on the Project, provided that the design-build contract awarded pursuant to the RFP (1) may be terminated for convenience by CDOT without additional payment or penalty, and (2) provides that no more than $1.3 million (the "Initial Design Amount") may be expended under the contract prior to the establishment of a GMP.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission must approve expenditures beyond the Initial Design Amount.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission authorizes staff to expend up to $1.6 million (in aggregate, including the Initial Design Amount) of Transportation Commission Contingency Reserve Funds to fund design through the Design-Development Phase, provide earnest money in an effort to secure potential site location(s) for the Project, and establish the project GMP.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** the Commission requests that staff provide an update to the Commission upon establishment of the Project GMP.

Herman F. Stockinger III — 6-23-15

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

## Other Matters

Chairman Peterson asked the nominating committee to report on their recommendations for the next Commission Chair, Vice Chair and Secretary. Speaking for the nominating committee, Commissioner Gifford stated the committee suggests Commissioner Kathy Connell for Commission Chair, Commissioner Gary Reiff for Vice Chair and Herman Stockinger for Secretary. The nominations passed unanimously.

As a parting gift, Chairman Peterson presented to Commissioners Gruen, Barry and Aden a signed poster of the current commission portrait. A poster of a project from the commissioner's district were also presented to the three outgoing Commissioners

Commissioner Gruen was presented with a signed hard hat from Region 2 Transportation Director Karen Rowe. Karen thanked Les for his service to the Region.

Commissioner Gruen thanked the Commission and looks forward to seeing and working with everyone in a different capacity moving forward.

Commissioner Barry Appreciated the comradery that the commission had in serving the state and their individual constituents. It has been a pleasure for her to serve on the commission and looks forward to what the future will bring. Commissioner Barry encouraged the commission to look towards the future with the wonderful projects upcoming through the state. Additionally she welcomed Executive Director Bhatt and hopes he continues doing the great work he is doing.

Commissioner Connell stated how much she admired Commissioner Barry's "Bagels with Barry" program. She said it was a great program that gives a great impression of CDOT, and inspired her to start her own outreach. Commissioner Connell wishes Commissioner Barry and her family well.

Chairman Peterson stated that it's been a pleasure serving with Commissioner Barry, and that her outreach and commitment is something to be emulated. He thanked her for all her help, and setting such a great example. Chairman Peterson wishes good luck to Commissioner Barry and her family.

Commissioner Aden thanked the Commission for the photos and noted he has received a number of them throughout his tenure.

## Adjournment

Chairman Peterson closed the June Transportation Commission meeting at 9:35 a.m.