

Transportation Commission of Colorado
Regular Meeting Minutes
November 19, 2015

Chairwoman Kathy Connell convened the meeting at 9:50 a.m. in the Region 4 building in Greeley.

PRESENT WERE: Kathy Connell, Chairwoman, District 6
Gary Reiff, Vice Chair District 3
Shannon Gifford, District 1
Ed Peterson, District 2
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Hall, District 7
Sidny Zink, District 8
Nolan Schriener, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Shailen Bhatt, Executive Director
Michael Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Debra Perkins-Smith, Director of Transportation Development
Amy Ford, Communications Director
Maria Sobota, CFO
Herman Stockinger, Government Relations Director
Paul Jesaitis, Region 1 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel
Barb Gold, Audit Director
Scott McDaniel, Staff Services Director
David Specter, HPTE Director
Kyle Lester, Director, Division of Highway Maintenance
Ryan Rice, Operations Division Director
Mark Imhoff, Director of Transit and Rail
Kevin Furman, Human Resources Director
Vince Rogalski, STAC Chairman
Gary Vansuch, Director of Process Improvement
David Ulane, Director of Aeronautics

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

Terri Blackmore, Executive Director of the North Front Range MPO brought up her concerns with the Commission. She explained that their funding ran out recently, and wanted to share her frustration with getting their contracts out. They have been waiting for their 2015 contract since April, and would like to have that completed before the start of 2016 They requested permission from CDOT in October to release an RFP, however they still do not have a contract. She expressed that the backlog impacts their asset management program.

Mayor Tom Norton welcomed the Commission to Greeley and thanked CDOT for building the new Region 4 building. He mentioned how important co-location is for efficiency for the Region, and looks forward to see the improvements that come from it. He also brought up the importance of the funding for Transportation that will look to the future and help Colorado moving forward.

Individual Commissioner Comments

Commissioner Hall brought up her experience earlier in the week when the emergency personnel were honoring the recently deceased Colorado State Trooper. She was impressed and proud to see the procession all along I-70.

Commissioner Peterson was pleased and thrilled to be at the new Region 4 facility. He commended everyone who participated in the process of building the new facility.

Commissioner Zink had nothing to report.

Commissioner Barry thanked the City of Thornton for hosting Bagels with Barry in November. There was a lively conversation on I-25 amongst others. She complemented the region on their new building, and offered her hopes that it is a positive for the region.

Commissioner Gilliland complemented the building and how much of an improvement it was over the old building. She brought forward her condolences for Bob Sakaguchi, a member of the Colorado Transportation family. In November she attended a progressive 15 meeting where CDOT staff discussed how to utilize technology to improve the area. She also had the opportunity to drive a car with autonomous qualities, and was very impressed with it. She was thrilled with the Transportation Summit and the visibility it brought towards transportation and technology. She attended a meeting with Secretary Fox about “Beyond Traffic” asking local people what their issues in transportation are. Finally she attended a rail summit that included a BNSF representative, who spoke about the opportunities and potentials of rail in the Front Range.

Vice Chair Reiff gave a shout out to Dave Eller and his team for the Highway 82 project. It has been a complicated project that his team has done a great job on.

Commissioner Thiebaut expressed how great it is to be in the new building. The creation of the building speaks to the Region’s ability to do great work at all levels. He thanked the members of the public for attending the meeting and speaking to the commission. He mentioned that in Region 2 RTD Karen Rowe’s absence, the whole team in the Region did a great job of picking up slack. Commissioner Thiebaut

stressed how important it is to always be alert when driving, as it is easy to become distracted in the natural beauty and create a dangerous situation.

Commissioner Gifford echoed everyone's positive thoughts on the successful Transportation Summit. She was amazed a how much of an impact little changes in technology can have on our transportation system.

Commissioner Shriner had the opportunity to meet with Region 2 RTD Karen Rowe and was very impressed with her knowledge and asked everyone to keep her in their thoughts. He met with two representatives on two bills being proposed in the Colorado State House and offered his perspective to the representatives.

Commissioner Hofmeister had nothing to report.

Commissioner Connell stated she has been seeing more and more mentions of technology in the media, signaling the technology is really taking off in transportation. She met this month with State Representative Terri Carver to discuss the two proposed bills. She stated the STAC bill will be presented to the House, with the bill to increase the amount of Commissioners will be promoted as a study, but will not be presented to the House. She met with a number of County Commissioners this month in her region.

Executive Director's Report

Executive Director Shailen Bhatt introduced David Fox and Marcella Broussard and the contractors who were instrumental in getting the new Region 4 building built. The move in and build out went very smoothly thanks to the teams working on the project. He mentioned how the building should greatly improve the efficiency of the region by bringing the whole region into one building.

He thanked the Commissioners and elected officials for coming to the Transportation Matters Summit. He was very pleased with the turnout, with a number of local officials and members of the private sector attending the summit. Executive Director Bhatt thanked everyone who worked on the summit for their hard work.

In November there were a number of big snow and ice events in Colorado. Shailen was pleased with the response to these storms, and brought up the danger CDOT employees face when they respond to these events.

Chief Engineer's Report

Chief Engineer Josh Laipply brought up to the commission that the department is trying to figure out how to better track bike and pedestrian movements. A team has been put together to work on this and to improve ADA access at CDOT Facilities. He also thanked Shailen and Mike for putting on the Leadership Summit. Finally he brought up the CCA and ACEC working groups that will help take on more action items with the organizations which will help staff greatly.

HPTE Director's Report

HPTE director David Spector reported that the Governor has filled one of the open seats on the HPTE Board. There are a number of projects HPTE is currently working on. These projects are drawing a lot of interest in the transportation and funding communities. HPTE is a leader nationwide for what they are doing. He presented a few updates on HPTE projects:

- US-36 did very well during their first snow event. Phase 2 will be opening early 2016, with the RTD bus rapid transit system opening in January.
- In December the Peak Period Shoulder Lane will be opening on I-70. HPTE is optimistic the shoulder HOT lane experiment will be very successful.

FHWA Division Administrator Report

FHWA Division Administrator John Cater gave his congratulations to CDOT for the Transportation Matters Summit. The energy expressed at the summit was very encouraging for the future of transportation. Federally, he believes a long term bill will be passed within the month, and he is hopeful for the funding amount.

FHWA has recently started to focus on financing. An emphasis has been placed on improper payments. CDOT is doing very well on that front, with zero improper payments, much better than the national average.

Act on Consent Agenda

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

Resolution #TC-15-11-1

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for Oct. 15, 2015, are approved.

Resolution #TC-15-11-2

Resolution #15-11-2

Confirmation of CDOT Division of Human Resources for purpose of clearly defining Appointing Authorities.

Approved by the Transportation Commission on November 19, 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 is presently comprised of a number of offices and divisions; and

WHEREAS, the Transportation Commission, pursuant to their authority under C.R.S. 43-1-104 (2) (a), (b)(1) and (c) may establish divisions with the department; and

WHEREAS, it is necessary for every employee to be placed in a division with an appropriate Appointing Authority for the purpose of hiring, performance evaluations, job descriptions, corrective actions, creation/abolishment of positions, and as otherwise established in the State Personnel Board Rules; and

WHEREAS, the Division of Administrative Services as designated in Transportation Commission Resolution #TC-15-8-5 will be dissolved by the creation of the Department of Human Resources.

NOW, THEREFORE, BE IT RESOLVED, the Commission herein confirms the following non-statutory division as division of the department:

- Division of Human Resources

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

11-19-15
 Date

Resolution #TC-15-11-3

Resolution # TC-15-11-3

Resolution for the FY 2016-2017 Annual Budget

Approved by the Transportation Commission on November 19, 2015

WHEREAS, in accordance with § 43-1-113 (2), C.R.S. (2015) requires the Transportation Commission to submit a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2016 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2015 for their review and comments; and

WHEREAS, the FY 2016-2017 proposed budget allocation plan contains funding requests from Colorado Department of Transportation Divisions to increase program allocations from the FY 2015-2016 budget allocation plan; and

WHEREAS, these funding requests are included within the FY 2016-2017 proposed budget allocation plan; and

WHEREAS, in November 2010, the Transportation Commission adopted TC Resolution #TC-1925 approving the policy of transferring federal bridge funds from CDOT to the Colorado Bridge Enterprise for purposes of advancing the business purposes of the Colorado Bridge Enterprise and this continues to be the policy of the current Transportation Commission; and

WHEREAS, requested by the CDOT Executive Director, the reallocation and transfer of \$15 million (\$15,000,000) of eligible federal bridge funds from CDOT to Colorado Bridge Enterprise is reflected in the approved CDOT and Colorado Bridge Enterprise Fiscal Year 2016-2017 budget; and

WHEREAS, FY 2016-2017 revenue forecasts are based on current federal appropriation guidelines, which may change by July 1, 2016; and

WHEREAS, the Transportation Commission has the statutory authority to alter the FY 2016-2017 proposed budget allocation plan before and/or after it is delivered to the Governor on April 15, 2015; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's proposed budget allocation plan for the period of July 1, 2016 through June 30, 2017 is approved by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2015 for their review and comment.



Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-15
Date

Discuss and Act on the New SIB Rate

Maria Sobota presented the SIB rate at 2.5 at the recommendation of their projections. She opened the floor for questions from the commission. Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Gifford moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-11-4

Resolution Number TC-15-11-4

Approval of the State Infrastructure Bank Interest rate for the second half of fiscal year 2016.

Approved by the Transportation Commission on November 19, 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 5) 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 next fiscal year; and

WHEREAS, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of two and one half percent (2.50%) on all loans originating in the second half of the State fiscal year 2016.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), 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 second half of the State fiscal year 2016.



Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-15
Date

Discuss and act on the 5th Budget Supplement

Maria Sobota walked through the supplement with the Commission. A new budget supplement was passed out to the Commission. She pointed out two items in Region 3, particularly the money that will be designated for RoadX.

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

Discuss and Act on Bustang Purchase

Mark Imhoff directed the commission attention to the purchase of three new Bustang buses. He expressed that the West Corridor is currently at capacity, therefore new buses are required to keep up with the operating scheduled.

Chairwoman Connell entertained a motion to approve the purchase of three new Bustang buses. Commissioner Peterson moved for approval of the resolution, and Commissioner Schriener seconded the motion. Upon vote of the Commission, the resolution passed 10-1 with Commissioner Hofmeister voting no.

Resolution #TC-15-11-6

Resolution # TC-15-11-6

Approval to purchase three (3) new Bustang buses

Approved by the Transportation Commission on November 19, 2015

WHEREAS, the Bustang interregional express bus service went into operation on July 13, 2015 with a fleet of 13 buses (including three spare buses).

WHEREAS, the Transportation Commission Policy Directive 1605 gives oversight responsibility to the Transit & Intermodal Committee, including recommendations to the TC for capital expenditures; and requires the TC to approve capital expenditures beyond the annual budget.

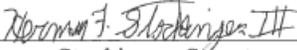
WHEREAS, the Bustang ridership has grown on the West Route to justify an additional daily run, and the trend for the North and south Routes indicate the need to additional runs by fall 2016.

WHEREAS, the current Bustang fleet is fully utilized with no buses available to add service during regular operation hours.

WHEREAS, CDOT currently has an active price agreement with Motor Coach Industries (MCI) to procure additional buses.

WHEREAS, the T&I Committee has assessed the current Bustang fleet utilization, and recommends the purchase of three (3) new Bustang buses.

NOW THEREFORE BE IT RESOLVED, the Director of Transit & Rail is hereby directed to procure three (3) new Bustang buses utilizing the current price agreement with Motor Coach Industries (MCI).


Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-15
Date

I-70 East/Central 70 Quarterly Update

I-70 East Project Director Tony DeVito clarified to the commission that in 2016 the project will be renamed to the Central 70 project. The project recently had their first round of one on ones with the teams bidding for the project. The technical documents will be due to the project from the teams in the first week of December. The team continues to work on their transparency, and posts regular schedules for interactions. Recently a big push has been made in the DBE area. The Central 70 project has been transparent in setting the DBE/SBE goals, something that has been well received by the community. The project has been given approval to start a local hiring project, and will create a percentage of required local jobs on the project. Another new thing the project will pursue is a pilot program to train employees on the job funded through a federal grant. Finally the team is working closely with the City of Denver as they rebuild the National Western Stockshow. The project is hoping to have non-developer costs to the bid teams shortly.

Commissioner Barry thanked Tony and the team for their constant communication with the community. She said they are always receptive to her and companies in the community, and she appreciates the innovation that is taking place on this project.

Commissioner Peterson commented that the workforce development portion of this project that helps people develop career paths is fantastic. It shows that projects like this can be a benefit to everyone in the community.

Commissioner Gilliland echoed their thoughts on the successful outreach to the community. She stated that these efforts will pay dividends once the project is in full construction.

Commissioner Schriener stated that the scale of this project is incredible. He asked what the workforce estimate of this job will be. Tony DeVito stated they are estimating a workforce of around 4 thousand. They are also making headway in the property acquisition process, with a focus on putting residents in similar or better housing situations as they are impacted.

Executive Director Bhatt stated this is a showcase project, and that he is receiving questions about it from people all over the country. He also thanked the project team for doing a great job so far.

Other Matters

Commissioner Barry took a moment to mention Myron Hoya who is moving on from CDOT. She thanked him for everything he has done for CDOT and the City of Greeley.

Adjournment

Chairwoman Connell closed the September Transportation Commission meeting at 11:00 a.m.

Transportation Commission of Colorado
Regular Meeting Minutes
December 17, 2015

Chairwoman Kathy Connell convened the meeting at 9:00 a.m. at the CDOT Headquarters in Denver.

PRESENT WERE: Kathy Connell, Chairwoman, District 6
Shannon Gifford, District 1
Ed Peterson, District 2
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Hall, District 7
Sidny Zink, District 8
Nolan Schriener, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

EXCUSED: Gary Reiff, Vice Chair District 3

ALSO PRESENT: Shailen Bhatt, Executive Director
Michael Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Herman Stockinger, Government Relations Director
Kathy Young, Chief Transportation Counsel
David Specter, HPTE Director

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

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

Audience Participation

Chairwoman Connell opened the meeting for general public comment. There were no public comments.

Discuss and Act on the 6th Budget Supplement of 2015

Josh Laipply presented the 6th budget supplement to the Commission. He mentioned the Transportation Commission Reserve Fund has been outlined in the supplement. Additionally, four projects are outlined in the budget supplement. Commissioner Zink asked why there was a request for more funds for the Peak Period Shoulder Lanes. Chief Engineer Joshua Laipply explained it was a change in scope due to unknown ground conditions and the removal of daytime closures from the build out of the project. Herman Stockinger confirmed that Region 1 funds will cover the additional cost.

Chairwoman Connell entertained a motion to approve the Budget Supplement. Commissioner Shriener moved for approval of the resolution, and Commissioner Hall seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Discuss and act the North I-25 Loan CDOT HPTE IAA Understanding

David Spector presented the funding concept for I-25 north. The loan structure used for the Peak Period Shoulder Lanes is what will be used for north I-25. In order to go to bid in January FHWA needs a funding commitment from CDOT. The resolution in question allows HPTE to get their loan through CDOT agreeing to back up HPTE's loan for North I-25. In a future meeting, the Commission will have the opportunity to view the final loan before signing off completely.

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

Resolution #TC-15-12-2

Resolution #TC-15-12-2

Approving Credit Support to HPTE for a Commercial Loan for the North I-25 Segment 3 Express Lanes Project

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

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

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

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

WHEREAS, CDOT, in partnership with HPTE, is undertaking the North I-25, Segment 3, Express Lanes Project (the "Segment 3 Project") to complete, implement and operate one new tolled express lane in each direction between approximately 120th Avenue and State Highway 7; and

WHEREAS, to meet the proposed advertising date of January 7, 2016, for the Segment 3 Project, CDOT is required to first provide a fully-funded project financing plan to the Federal Highway Administration ("FHWA") and receive its authorization; and

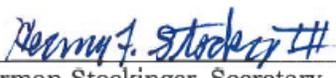
WHEREAS, in order to evaluate options for closing an identified funding gap in the financing plan for the Segment 3 Project, HPTE issued a request for proposals for financing terms from private lenders; and

WHEREAS, HPTE anticipates entering into a commercial bank loan agreement (the "Loan Agreement") pursuant to which HPTE will borrow money to fund a share of the cost of designing and constructing the Segment 3 Project, to be repaid from user fee revenues collected by HPTE on the Segment 3 Project; and

WHEREAS, the Transportation Commission supports HPTE's pledge of user fee revenues to facilitate private financing for the Segment 3 Project, and desires to provide credit support to enable HPTE to secure such commercial loan financing; and

WHEREAS, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may loan moneys from the state highway fund to HPTE for the purpose of defraying expenses incurred prior to the receipt of revenues by HPTE, and such loan shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the Colorado constitution.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves and authorizes CDOT to pursue an Intra-Agency Agreement with HPTE, whereby HPTE can request, and the Transportation Commission will agree to consider making, consistent with past practice, one or more loans from the state highway fund to satisfy any of HPTE's payment obligations under the Loan Agreement, or to fund HPTE's operational and maintenance responsibilities with respect to the Segment 3 Project, in the event user fee revenues are insufficient, or projected to be insufficient, to satisfy HPTE's obligations, which loans will be subject to interest rate and repayment terms to be further defined in the Intra-Agency Agreement.



Herman Stockinger, Secretary
Transportation Commission of Colorado

1-7-16
Date

Other Matters

Commissioner Schriener asked for a short report on the Peak Period Shoulder Lanes. Josh Laipply explained that the shoulder lanes opened up last weekend. They did not open on Saturday due to weather conditions. On Sunday the lanes were open with the tolls displayed, however no one was charged to test the system. The testing was very successful, and a better throughput on I-70 was displayed in the area. Mike Lewis added that the tolling will go live, weather permitting, this weekend.

Chairwomen Connell said that she has seen a number of positive mentions about the lanes, but expressed concerns over what happens in the event of an accident. Josh Laipply explained that they have done a number of tabletop exercises to be prepared for that situation.

Commissioner Schriener asked how the tolls will be charged. Mike Lewis explained there will be license plate tolls, in addition to transponders.

Herman Stockinger mentioned to the commission that the FAST act passed by congress eliminates the need of CDOT to match flood recovery dollars. He thanked Colorado's representatives for fighting for CDOT to avoid paying that additional money.

Adjournment

Chairwoman Connell closed the September Transportation Commission meeting at 9:26 a.m.