AGENDA

BOARD OF DIRECTORS
WEDNESDAY, OCTOBER 18, 2017
6:30 - 8:50 p.m.
1290 Broadway
First Floor Independence Pass Conference Room

1. 6:30 Call to Order

2. Pledge of Allegiance

3. Roll Call and Introduction of New Members and Alternates

4. *Move to Approve Agenda

STRATEGIC INFORMATIONAL BRIEFING

5. 6:35 Metro Denver Nature Alliance
(Attachment A) Brad Calvert, Director, Regional Planning & Development

6. 6:50 Report of the Chair
- Report on Regional Transportation Committee Meeting
- Report on Performance and Engagement Committee
- Report on Finance and Budget Committee
- Open interest in serving as a Board Officer or on the Nominating Committee

7. 7:00 Report of the Executive Director

8. 7:10 Public Comment
Up to 45 minutes is allocated now for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board. Consent and action items will begin immediately after the last speaker.

***Motion requested**

TIMES LISTED WITH EACH AGENDA ITEM ARE APPROXIMATE
IT IS REQUESTED THAT ALL CELL PHONES BE SILENCED
DURING THE BOARD OF DIRECTORS MEETING. THANK YOU

Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact DRCOG at least 48 hours in advance of the meeting by calling (303) 480-6701.

CONSENT AGENDA

9. 7:30 *Move to Approve Consent Agenda
   - Minutes of September 20, 2017
     (Attachment B)

ACTION AGENDA

10. 7:35 *Appointment of DRCOG Executive Director
    (Attachment C) Roxie Ronsen, Administrative Officer
    This action requires an affirmative majority (30) of the total participating membership

11. 7:45 *Discussion of removal of the National Highway System designation for a portion of Peña Boulevard.
    (Attachment D) Jacob Riger, Transportation Planner Manager, Transportation Planning & Operations – Rachel Carr, City & County of Denver/Denver International Airport

12. 7:55 *Discussion on eligibility rules, selection process, and evaluation criteria for the selection of FY 2018 and FY 2019 projects to be funded through the DRCOG TDM set-aside of the *FY 2018-2021 Transportation Improvement Program*.
    (Attachment E) Emily Lindsey, Transportation Planner, Transportation Planning & Operations

13. 8:05 *Discussion of Transportation Improvement Program Second-Year Project Delays and Appeals
    (Attachment F) Todd Cottrell, Senior Transportation Planner, Transportation Planning & Operations

14. 8:20 *Discussion of amendments to the *2018-2021 Transportation Improvement Program*
    (Attachment G) Todd Cottrell, Senior Transportation Planner, Transportation Planning & Operations

INFORMATIONAL BRIEFINGS

15. 8:25 Presentation on Federal Safety Targets
    (Attachment H) Jacob Riger, Transportation Planning Manager, Transportation Planning & Operations

***Motion requested**

INFORMATIONAL BRIEFINGS (cont.)

16. 8:40 Committee Reports
The Chair requests these reports be brief, reflect decisions made and information germane to the business of DRCOG
   A. Report on State Transportation Advisory Committee – Elise Jones
   B. Report from Metro Mayors Caucus – Herb Atchison
   C. Report from Metro Area County Commissioners– Roger Partridge
   D. Report from Advisory Committee on Aging – Phil Cernanec
   E. Report from Regional Air Quality Council – Shakti
   F. Report on E-470 Authority – Ron Rakowsky
   G. Report on FasTracks – Bill Van Meter

INFORMATIONAL ITEMS

17. *2018-2021 Transportation Improvement Program* Administrative Modifications
(Attachment I) Douglas W. Rex, Acting Executive Director

18. Relevant clippings and other communications of interest
(Attachment J)
Included in this section of the agenda packet are news clippings which specifically mention DRCOG. Also included are selected communications that have been received about DRCOG staff members.

ADMINISTRATIVE ITEMS

19. **Next Meeting – November 15, 2017**

20. Other Matters by Members

21. 8:50 Adjourn

CALENDAR OF FUTURE MEETINGS

October 2017

17	Regional Transportation Committee	8:30 a.m.
18	Finance and Budget Committee	5:30 p.m.*
18	Board of Directors	6:30 p.m.
20	Advisory Committee on Aging	Noon – 3 p.m.
23	Transportation Advisory Committee	1:30 p.m.

November 2017

1	Board Work Session	4:00 p.m.
1	Performance and Engagement Committee	5:30 p.m.*
14	Regional Transportation Committee	8:30 a.m.
15	Finance and Budget Committee	5:30 p.m.
15	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	Noon – 3 p.m.
27	Transportation Advisory Committee	1:30 p.m.

December 2017

6	Board Work Session	4:00 p.m.
6	Performance and Engagement Committee	5:30 p.m.*
15	Advisory Committee on Aging	Noon – 3 p.m.
18	Transportation Advisory Committee	1:30 p.m.
19	Regional Transportation Committee	8:30 a.m.
20	Finance and Budget Committee	5:30 p.m.
20	Board of Directors	6:30 p.m.

* The Performance and Engagement Committee meeting will begin immediately following the Board work session; the time listed is approximate.

ATTACH A

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Informational Briefing	5

SUBJECT

Introduction to the Metro Denver Nature Alliance, an emerging coalition of public, private and non-profit partners.

PROPOSED ACTION/RECOMMENDATIONS

No action requested. This item is for information.

ACTION BY OTHERS

N/A

SUMMARY

DRCOG was recently asked to join the Metro Denver Nature Alliance (Metro DNA) Steering Committee. Metro DNA is a growing coalition of non-profit, government, research, and private sector partners working to ensure more equitable access to nature and to promote healthier people, communities, and natural places. Metro DNA emerged from a shared belief that a coordinated alliance can achieve more than the sum of its parts.

While Metro DNA's long-term vision is transformative change to make the metro Denver region a thriving place for people and for nature, the organization is a small backbone entity with the fundamental roles of: facilitating collaboration and strategic alignment among existing entities, championing nature and partners' nature-based efforts, and building partner capacity by leveraging joint activities. Currently, Metro DNA is a nascent alliance that is both building its organizational capacity and developing its roles as facilitator, champion, and capacity builder.

Susan Daggett, Executive Director of the Rocky Mountain Land Use Institute, will present an overview of Metro DNA, including key partners, foundational activities and near-term objectives and activities.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

Metro DNA presentation

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Acting Executive Director, at 303-480-6747 or drex@drcog.org; or Brad Calvert, Director, Regional Planning and Development, at 303 480-6839 or bcalvert@drcog.org.

Metro Denver Nature Alliance
Presentation to DRCOG

MetroDNA
METRO DENVER NATURE ALLIANCE

Background

- 2015 - Founding Conversations about Metro DNA
- 2016 - GOCO & Gates Family Foundation Funding
- 2016 - Initial Stakeholder Outreach
- 2016 & 2017 - Projects
  - Story-mapping (TPL partner)
  - GIS decision-support tool (TPL partner)
  - Canoe Mobile
- 2017 - Strategic & Business Planning
- Next – Continued outreach and launch

MetroDNA
METRO DENVER NATURE ALLIANCE

ST1

Gap Analysis – Tier 1 Opportunities

1. Coordination & Collaboration (89%)
2. Regional Visioning (78%)
3. Diversity, Equity, Inclusion (50%)
4. Public Awareness, Buy-in & Support (39%)

MetroDNA
METRO DENVER NATURE ALLIANCE

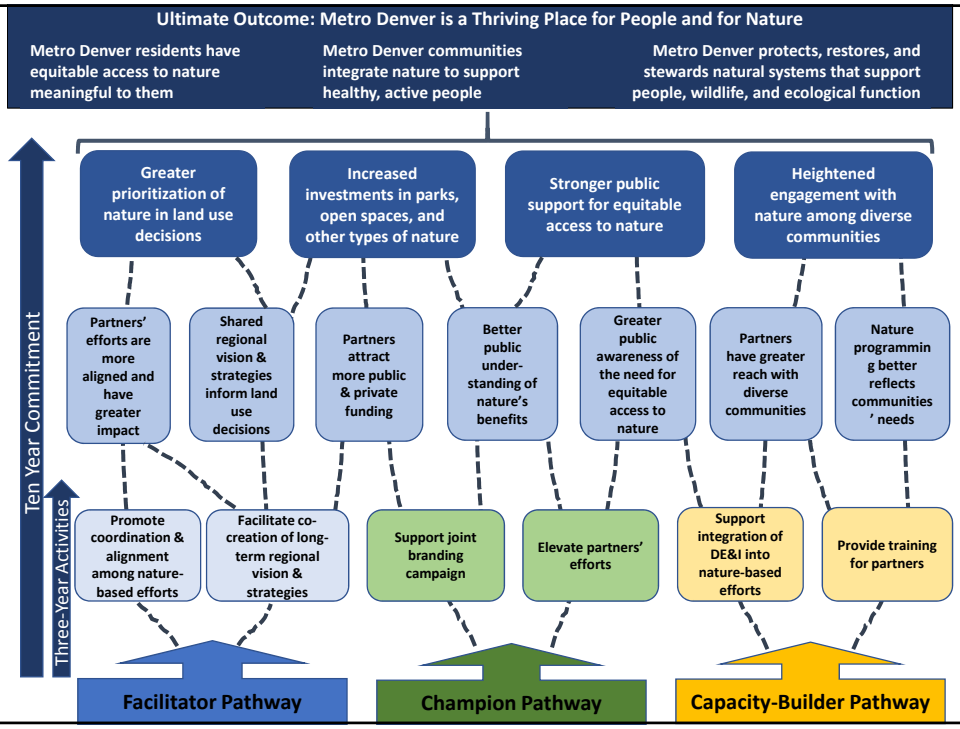
ST3

Metro DNA Roles

1) Facilitate Collaboration and communication
   - Regional meetings and initiatives
   - Communications platform
2) Champion nature-based efforts
   - Joint projects/mapping
   - Marketing to elevate work
3) Build partner capacity
   - Workshops/training
   - Leverage resources

MetroDNA
METRO DENVER NATURE ALLIANCE

ST2



Guiding Principles

- Inclusive alliance
- Support role
- Elevate & amplify partners' efforts
- Diversity, equity, and inclusion integrated in all efforts
- Transparency in decision-making
- Knowledgeable advisors

MetroDNA
METRO DENVER NATURE ALLIANCE

Long-term outcomes

- Greater prioritization of nature in land-use decisions
- Increased investment in nature, open space, and other types of nature
- Stronger public support for equitable access to nature
- Increased engagement with nature among diverse communities

MetroDNA
METRO DENVER NATURE ALLIANCE

ST4

Potential Roles for DRCOG

- Participate in Steering Committee
  - Bring regional land use/transportation perspective to MDNA vision/program
- Coordination/communication role to connect local governments and land use planners
  - Bring MDNA perspective to regional land use/transportation planning
- Integrate regional greenspace, land use, and transportation planning
  - Provide means to incorporate these perspectives into local plans

MetroDNA
METRO DENVER NATURE ALLIANCE

QUESTIONS?

MetroDNA
METRO DENVER NATURE ALLIANCE

ATTACH B

MINUTES
BOARD OF DIRECTORS
WEDNESDAY, SEPTEMBER 20, 2017

Members/Alternates Present

Bob Roth, Chair	City of Aurora
Eva Henry	Adams County
Jeff Baker	Arapahoe County
Elise Jones	Boulder County
David Beacom	City and County of Broomfield
Robin Kniech	City and County of Denver
Anthony Graves (Alternate)	City and County of Denver
Roger Partridge	Douglas County
Libby Szabo	Jefferson County
Bob Fifer	City of Arvada
Larry Vittum	Town of Bennett
Aaron Brockett	City of Boulder
Anne Justen	Town of Bow Mar
Lynn Baca	City of Brighton
Tera Radloff	City of Castle Pines
George Teal	Town of Castle Rock
Doris Truhlar	City of Centennial
Laura Christman	City of Cherry Hills Village
Rick Teter	City of Commerce City
Steve Conklin	City of Edgewater
Joe Jefferson	City of Englewood
Daniel Dick	City of Federal Heights
Lynette Kelsey	Town of Georgetown
Saoirse Charis-Graves	City of Golden
Ron Rakowsky	City of Greenwood Village
Scott Norquist	City of Glendale
Stephanie Walton (Alternate)	City of Lafayette
Shakti	City of Lakewood
Jacob Lofgren	Town of Lochbuie
Wynne Shaw	City of Lone Tree
Joan Peck	City of Longmont
Ashley Stolzmann	City of Louisville
Connie Sullivan	Town of Lyons
Colleen Whitlow	Town of Mead
John Diak	Town of Parker
Sally Daigle	City of Sheridan
Rita Dozal	Town of Superior
Eric Montoya (Alternate)	City of Thornton
Herb Atchison	City of Westminster
Adam Zarrin	Governor’s Office
Bill Van Meter	Regional Transportation District

Others Present: Douglas W Rex, Acting Executive Director, Connie Garcia, Executive Assistant/Board Coordinator, DRCOG; Jeanne Shreve, Adams County; Bryan Weimer, Arapahoe County; Mac Callison, Aurora; Kent Moorman, Thornton; Danny Herrmann, CDOT; Ed Bowditch, Jennifer Cassell, Bowditch and Cassel Public Affairs; Heather McKillop, RTD; and DRCOG staff.

Chair Bob Roth called the meeting to order at 6:40 p.m. Roll was called and a quorum was present. Chair Roth noted the scheduled presentations would occur after the report of the executive director and report of the chair.

Public comment
No public comment was offered.

Report of the Executive Director
- Doug Rex noted the recent Board workshop was a success. He reminded those who attended to fill out the survey, if they haven't already.
- Mr. Rex directed attention to the posters arrayed around the conference room highlighting projects in different jurisdictions.
- A mini course on the Statewide Internet Portal Authority is scheduled for Thursday, October 19.
- Way-to-go-tober is kicking off at the beginning of October. It's an annual challenge for businesses to see who can have the biggest share of mode shift by employees.
- The RailVolution Regional Day activities were well-attended. Director Rex noted there have been many requests from peer COGs to meet and talk about DRCOG activities.
- Mr. Rex noted staff recently celebrated employee Richard Chwiedor's 45th employment anniversary with DRCOG.
- Jayla Sanchez-Warren received a Diversity and Inclusion Award from Mayor Michael Hancock.

Report of the Chair
- Chair Roth reported the Regional Transportation Committee did not meet.
- Director Diak reported the Finance and Budget Committee approved funding for the AAA Refugee and CCTP programs. The committee discussed the 2018 DRCOG budget, and received an update on the search for office space.
- Directors Fifer and Atchison reported the executive director recruitment is progressing. On October 4, the Board of Directors will meet in a special session to receive presentations by the remaining executive director candidates. After the presentations, the Performance and Engagement Committee will meet in executive session to provide a recommendation to the Board of Directors. The Board will then reconvene in executive session to provide direction on negotiating with the recommended candidate. The Board of Directors is scheduled to act on selecting a new executive director at the October 18 meeting.

Move to Approve Agenda

Director Rakowsky **moved** to approve the agenda. The motion was **seconded** and **passed** unanimously.

Move to approve consent agenda
One modification to the August 16, 2017 minutes; Director Lofgren was identified on page 2 as the alternate for the Town of Lochbuie, he is the member.

Director Truhlar **moved** to approve the consent agenda with the modification identified. The motion was **seconded** and **passed** unanimously.

Items on the consent agenda included:

- Minutes of the August 20, 2017 meeting

Discussion of 2020 – 2023 TIP focus areas
Doug Rex provided background information on the selected focus areas. Participants at the Board workshop went through a paired comparison exercise to prioritize the focus areas, resulting in the three recommended in the agenda item. The focus areas will be used as a guide, rather than as a litmus test.

Director Rakowsky **moved** to approve the proposed 2020-2023 TIP focus areas. The motion was **seconded** and **passed** unanimously.

Presentation on RTD Strategic Budget Plan and FasTracks Annual Program
Heather McKillop, Regional Transportation District staff, provided an overview of the strategic budget plan and the FasTracks annual program. The Strategic Budget Plan is RTD's six-year financial plan for the base transit system. The Annual Program Evaluation is RTD's six-year financial plan for the FasTracks program. Both plans are updated annually, and provide cash flow planning information used to help determine RTD's operation, investment, and financial decisions.

Presentation on governor's Task Force on Responder Safety
Deputy Chief Mark Savage, Colorado State Patrol, provided a briefing on the findings of the Governor's First Responder Safety Task Force. He noted a collaborative approach between first responders will be used to improve safety. Members expressed support for the program.

Presentation on Volkswagen Settlement
Ken Lloyd, Regional Air Quality Council Director, provided information on the Volkswagen Settlement program. Members asked questions regarding what type of vehicles would be eligible for the replacement program. Mr. Lloyd noted that heavy duty trucks, such as dump trucks or trash trucks, are the type of vehicles being targeted by the program. The Board requested staff to provide comment on the program during the open comment period.

Committee Reports

State Transportation Advisory Committee – Director Jones reported the STAC discussed the INFRA grants. There's $1.56 billion in the program, project submittals are due to CDOT by November 2. The group received a presentation on the Volkswagen Settlement and a report on the Alternative Fuels program. The group discussed the multimodal freight plan and updated revenue projections.

Metro Mayors Caucus – Director Atchison reported the Metro Mayors group is still discussing regional transportation authorities. Director Atchison noted the Denver Chamber will take the lead on a dedicated transportation funding initiative.

Metro Area County Commissioners – No report was provided.

Advisory Committee on Aging – Jayla Sanchez-Warren reported the committee discussed four new Area Agency on Aging (AAA) programs that are starting this month: the State Health Insurance Program, the PACE ombudsman program, a program that moves people from nursing homes back into the community, and the UC Health pilot program. The State Unit on Aging is changing the data collection system process. The AAA is partnering with Douglas County on senior transportation services pilot.

Regional Air Quality Council – Director Shakti reported the RAQC received a report on the VW Settlement, and sent a letter regarding the decrease in the federal fuel standards. The state is considering changes to Regulation 7, and whether it should be expanded to a larger area.

E-470 Authority – Director Rakowsky reported the widening project is on time and under budget. The E-470 Executive Director was recently named President of the International Bridge Tunnel and Toll Association.

Report on FasTracks – Director Van Meter reported RTD staff is conducting a review of operations and maintenance costs on the North Metro line, comparing private sector costs with estimates for running the line in-house with RTD resources.

Next meeting – **October 18, 2017**

Other matters by members

Chair Roth noted that today is Doug Rex's birthday.

Adjournment

The meeting adjourned at 8:45 p.m.

_____

Bob Roth, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

_____

Douglas W. Rex, Acting Executive Director

ATTACH C

To: Chair and Members of the Board of Directors

From: Roxie Ronsen, Administrative Officer
303-480-6709 or rronsen@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Action	10

SUBJECT

Appointment of an Executive Director.

PROPOSED ACTION/RECOMMENDATIONS

Move to appoint a DRCOG Executive Director.

ACTION BY OTHERS

On October 4, 2017, the Board of Directors received a recommendation for a top candidate for Executive Director from the Performance & Engagement Committee.

SUMMARY

EFL Associates was selected, via a Request for Qualifications, to serve as the recruiting firm to assist DRCOG in the recruitment to fill the DRCOG Executive Director vacancy.

Based on the recruitment, from the applications received, nine applicants were vetted and initially interviewed with four identified as top candidates for the position of Executive Director.

The top four candidates gave presentations and answered questions at the special Board meeting on October 4, 2017. Candidate feedback was provided to the Performance & Engagement Committee by Board directors, external partners and senior staff. After deliberation, the Performance & Engagement Committee gave a recommendation to the Board members of a top candidate.

Per the DRCOG Articles of Association, the appointment of the Executive Director is by a vote of a majority of member representatives. Also per the Articles, the Performance & Engagement Committee is delegated responsibility to execute the employment agreement with the Executive Director.

PREVIOUS DISCUSSIONS/ACTIONS

This topic was discussed at the October 4, 2017 Special Board meeting.

PROPOSED MOTION

Move to appoint Douglas W. Rex as DRCOG Executive Director to serve at the pleasure of the Board, with the officers of the Performance & Engagement Committee to sign the employment agreement per the DRCOG Articles of Association.

ATTACHMENT

Employment Agreement

ADDITIONAL INFORMATION

If you need additional information please contact Roxie Ronsen, Administrative Officer, at 303-480-6709 or rronsen@drcog.org.

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered effective as of the 18th day of October, 2017, by and between the Denver Regional Council of Governments ("Employer" or "DRCOG") and Douglas W. Rex ("Employee").

WITNESSETH:

WHEREAS, Employer desires to employ the services of Douglas W. Rex as Executive Director of DRCOG; and

WHEREAS, it is the desire of the Employer, acting through its Performance & Engagement Committee, pursuant to Article IX of the Employer's Articles of Association, to provide certain benefits, and to establish certain conditions of employment; and

WHEREAS, Employee desires to accept employment as Executive Director of DRCOG on the terms and conditions provided for herein;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

I. Duties.

Employer hereby agrees to employ Douglas W. Rex as Executive Director of DRCOG, and Douglas W. Rex hereby accepts such employment, subject to this Agreement, to perform the functions and duties specified in the Employer's Articles of Association for the Executive Director, and to perform such other duties and functions as the Board of Directors of the Employer ("Board") shall from time to time assign.

II. Performance Evaluation.

The DRCOG Performance & Engagement Committee shall meet with Employee and agree upon and adopt a process and schedule for the purpose of reviewing and evaluating the performance of Employee no less than annually; except that Employee's first evaluation shall be completed between six (6) and nine (9) months after the commencement of Employee's employment; and except, further, that nothing herein shall limit the authority of the Performance & Engagement Committee to evaluate the performance of Employee at any other times, in its sole discretion. Any salary or other compensation adjustments resulting from an evaluation shall take effect upon the date agreed upon in writing by Employee and the Performance & Engagement Committee.

III. Compensation.

A. Salary.

The Employer agrees to pay Employee for Employee's services rendered pursuant hereto an annual base salary in the amount of $194,230.11, subject to appropriation of available funds and payable in installments at the same time as other employees of the Employer are paid., commencing with the pay period that starts on October 16, 2017. Except as otherwise specifically provided in this Agreement, all rules and regulations of the Employer relating to compensation as they now exist or thereafter may be amended, shall also apply to Employee as they would to other full time employees of Employer.

B. Benefits.

1. Because Employee's duties will require travel to various locations within the DRCOG region, Employee shall receive a vehicle allowance in the amount of $300.00 per pay period, such allowance to be subject to reporting and withholding as required by law. Employee shall use Employee's personal vehicle and receive the above-referenced vehicle allowance in lieu of use of a DRCOG-owned vehicle (excepting occasional use of a DRCOG fleet vehicle when

Employee's personal vehicle is unavailable due to repairs or similar). Employee shall procure and shall continuously maintain in force all insurance required by law for each personal vehicle utilized by Employee on DRCOG business, including liability limits of not less than $350,000.00 per person and $1,000,000.00 per occurrence. Additionally, Employee is required to carry a medical payment coverage amount of at least $10,000 per person. DRCOG shall be named as an additional insured on Employee's auto liability coverage, unless such requirement is waived in writing by Employer. Employer will also pay monthly parking expenses for parking of Employee's vehicle in the parking garage at DRCOG's principal office location.

2. Employer shall provide Employee with 126 hours of paid general leave annually, which shall be earned at the rate of 10.5 hours per month. In addition, Employer shall make a one-time deposit of 40 hours into Employee's leave bank on Employee's first pay date after the commencement of Employee's employment. Employee may accumulate a maximum of 270 hours of general leave. When Employee has reached this maximum accumulation, Employee shall cease to accrue general leave until the amount of Employee's accumulated general leave has fallen below this maximum amount, at which time Employee shall resume accrual at the rate provided for herein. Upon separation, Employee shall be paid for accrued unpaid general leave, except that Employee has the discretion to direct all or part of Employee's accrued unpaid general leave to Employee's retirement fund(s) as allowed by law. Unless otherwise agreed by amendment to this Agreement, Employee's accrual rate for paid general leave shall increase to 12.5 hours per month, commencing with the first pay period that commences after November 11, 2018.

3. Employee shall earn sick leave at the rate of 3.0 hours per pay period. Employee shall not be paid for accumulated sick leave upon separation.

C. Subject to annual budgeted amounts and where such payments are determined by the Performance & Engagement Committee to be of benefit to the Employer, Employer shall pay all reasonable and necessary business expenses including travel, food and accommodations for conferences, seminars, and professional training and development. Reimbursement for any such expenses incurred personally by Employee shall be made upon submittal to and approval by the Performance & Engagement Committee Chair, or designee, of documentation therefor, which documentation shall be prepared by Employee in the same manner as is provided in the rules and regulations of the Employer for other employees.

D. Subject to annual budgeted amounts and where such payments are determined by the Performance & Engagement Committee to be of benefit to the Employer, Employer will also pay for dues and subscriptions in civic and professional organizations.

E. Except as otherwise specifically provided in this Agreement, all rules and regulations of the Employer relating to general leave, sick leave, retirement contributions, health and dental insurance, disability insurance, life insurance, holidays, and other fringe benefits and working conditions as they now exist or thereafter may be amended, shall apply to Employee as they would to other full-time employees of Employer. Employee shall receive retirement contributions as set forth on the Addendum attached hereto and made a part hereof.

F. The position of Executive Director is an exempt position under the provision of the Fair Labor Standards Act. As such, the Executive Director shall not be bound by or subject to the recordkeeping or other overtime provisions of the Act.

IV. Termination by the Board and Severance Pay.

A. Termination at will.

The Board, by majority vote of its member representatives, may terminate the employment of Employee at any time with or without cause or prior notice to Employee. It being expressly understood that Employee serves at the pleasure of the Board of Directors, and that Employee's employment may be terminated at the will of the Board, the

procedures for termination of an employee as set out in the rules and regulations of the Employer shall not apply to any termination of Employee.

B. Benefits Payments.

In the event of any separation of employment, Employee shall be paid for accrued unpaid general leave as provided in Section III. B, above, and Employee shall not be paid for accumulated sick leave.

C. Severance Pay.

1. In the event the Employee's employment is terminated by the Board during such time as the Employee is willing and able to perform the Employee's duties as Executive Director, the Employee shall be paid (in addition to any salary earned prior to termination but unpaid) an amount equal to three (3) months' salary (exclusive of benefits and auto allowance) at the rate established pursuant to Section III. Employer shall make a lump sum payment for Employee at termination. No severance compensation shall be due in the event the Employee is terminated for cause. No severance compensation shall be paid pursuant to this Section IV.C.1 if the Employee has been employed as Executive Director for five (5) or more years.

2. In the event that the Employee is terminated for "cause," then Employer shall have no obligation to pay the severance pay set forth in Section IV.C.1. The following events shall constitute "cause":

(a) Employee's breach of this Agreement or failure to perform Employee's duties under this Agreement to the satisfaction of Employer, or to carry out instructions by the Board, which breach or failure is not cured by Employee to the satisfaction of Employer within thirty (30) days after the Performance & Engagement Committee gives Employee written notice identifying the manner in which it believes Employee has breached or failed to perform;

(b) Willful gross misconduct by Employee that is detrimental to Employer;

(c) Employee's conviction for or commission of (i) any illegal act involving personal gain to Employee, (ii) any felonious act, (iii) any act of moral turpitude, (iv) any illegal act (misdemeanor or felony) arising from conduct that is detrimental to Employer's interests or reputation, or (v) any unauthorized use or misappropriation of any funds or properties of Employer;

3. In the event Employee voluntarily resigns Employee's position with Employer, then Employee shall give Employer 45 days written notice in advance, unless the parties otherwise agree. In the event Employee voluntarily resigns, then Employer shall have no obligation to pay the severance pay set forth in Section IV.C.1. In the event of Employee's death, Employer shall have no obligation to pay the severance pay set forth in Section IV.C.1.

D. Except as otherwise specifically provided in this Agreement, upon any termination or resignation, Employee shall be subject to the same provisions concerning general leave benefits as apply to other full time employees of DRCOG, including provisions governing accrual and payment therefor on termination of employment.

V. Full-Time Service; Outside Employment.

A. Employee shall devote Employee's entire productive time, ability and attention to the business of Employer during the term of this Agreement. Employee shall render services to Employer on a full-time basis, without regard to office hours or Employer's normal hours of operation. Nevertheless, Employee is generally expected to be present at Employee's office during Employee's normal working hours, which the Performance & Engagement Committee will establish from time to time in its sole discretion. The expenditure of reasonable amounts of time for personal and unrelated business, investments and charitable, civic and fraternal activities that do not interfere with Employee's performance under this Agreement shall not be a breach of this Agreement.

B. Prior to engaging in any teaching, consulting, speaking or other non-Employer connected business, which involves the payment of remuneration to Employee, Employee shall first advise the Performance & Engagement Committee. Any such business shall not interfere in any way with the performance of Employee's duties as Executive Director, and shall not conflict or give the appearance of conflict with the work of the Employer.

VI. Indemnification and Bonding.

A. Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of and within the scope of Employee's duties as Executive Director, and which is not willful and wanton. Employer may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

B. Employer shall bear the full cost of any fidelity or other bonds required of Employee.

VII. General Provisions.

A. This Agreement contains all agreements, understandings, and arrangements between the parties, and no others exist. All previous agreements, understandings, and arrangement between the parties are terminated by this Agreement.

B. This Agreement is personal to each of the parties, and neither party may assign or delegate any of such party's rights or obligations hereunder without first obtaining the written consent of the other party.

C. This Agreement shall become effective commencing October 18, 2017.

D. If any provision, or any portion thereof, contained in this Agreement is held invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

E. Notwithstanding any other provisions contained herein, Employer's financial obligations under this Agreement are subject to annual appropriation of funds for payment thereof by the Board of Directors of Employer and the parties hereto do not intend this Agreement to be a multiple fiscal year financial obligation within the meaning of Article X, Section 20 of the Colorado Constitution. A failure to appropriate funds for payment of financial obligations hereunder shall, at the option of either party, constitute a termination subject to Section IV.C.1 of this Agreement.

IN WITNESS WHEREOF, the Denver Regional Council of Governments has caused this Agreement to be signed and executed in its behalf by the Performance & Engagement Committee Chair, and duly attested by the Performance & Engagement Committee Vice Chair, and Employee has signed and executed this Agreement, both in duplicate, effective as of the 18th day of October, 2017.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

By:_____

Chair, Performance & Engagement Committee

Attest:

By:_____

Vice Chair, Performance & Engagement Committee

EMPLOYEE:

_____

Douglas W. Rex

Retirement Money Purchase Plan and Trust Plan.

1) DRCOG agrees to pay 9% of earnings for the plan year subject to plan limitations. Additionally, when the Executive Director's annual compensation exceeds the Social Security Wage Base maximum, within the plan year, the Employer will contribute 14.7% of pre-tax dollars (for the Executive Director that exceeded the Social Security Wage Base maximum) for the remainder of that plan year (starting with the next full pay period once the Social Security Wage Base is exceeded).

2) The Executive Director is required to contribute (subject to plan limitations) 3% of earnings.

3) Vesting schedule is as follows, and all years of any service in the employ of DRCOG are counted:

1 year of service	0% vesting
2 years of service	55% vesting
3 years of service	70% vesting
4 years of service	85% vesting
5 years of service	100% vesting

ATTACH D

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Action	11

SUBJECT

Discussion on the request of the City and County of Denver, by and through its Department of Aviation, to FHWA to remove the National Highway System (NHS) designation for the portion of Peña Blvd. east of E-470.

PROPOSED ACTION/RECOMMENDATIONS

Recommend concurrence with the request of the City and County of Denver, by and through its Department of Aviation, to FHWA to remove the National Highway System (NHS) designation for the portion of Peña Blvd. east of E-470 to the airport terminal.

ACTION BY OTHERS

September 25 – TAC recommended concurrence.
October 17 – RTC will act on a recommendation.

SUMMARY

The National Highway System (NHS) is the federally designated system of roadways that are important to the nation's economy, defense, and mobility. The NHS includes all interstate highways as well as other roadways that provide access to public transportation facilities, airports, ports, military installations, and intermodal facilities. In the Denver region (static maps, dynamic portal), the NHS includes all existing interstates, freeways, and toll roads, as well as US highways (e.g., US-85, US-285, US-287) and several arterials (Wadsworth Blvd., Arapahoe Rd., Colfax Ave., 104th Ave., SH-7, SH-119, and others).

The City and County of Denver and Denver International Airport (DEN) are requesting that FHWA remove the NHS designation on Peña Blvd. from E-470 to the airport terminal (see map in Attachment 1). This section of Peña Blvd. is currently designated as an NHS Intermodal Connector. Roadways with these designations provide access between major intermodal facilities and the other roadways/highways that comprise the NHS.

Denver's rationale for requesting the removal of the portion of Peña Blvd. east of E-470 from the NHS is that when intermodal connectors were added to the NHS, DEN did not receive notice or an opportunity to meaningfully participate in the process; maps are conflicting as to what segment of Peña is an intermodal connector; and this segment of Peña was built by DEN, maintained and operated by DEN, on airport property and never a recipient of federal funds. DEN's justification is provided in further detail in the attached Statement of Justification (Attachment 2) and letter and exhibits (Attachment 3).

Per FHWA guidelines, the request is submitted through the MPO (DRCOG) to CDOT, which formally submits the request to FHWA. If the DRCOG Board concurs with the City's request, CDOT, DRCOG, and the City would work together to prepare the required documentation to submit to FHWA.

Staff from CDOT and the City and County of Denver/DEN will present this item at the meeting.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Motion to concur with the request of the City and County of Denver, by and through its Department of Aviation, to FHWA to remove the National Highway System (NHS) designation for the portion of Peña Blvd. east of E-470 to the airport terminal.

ATTACHMENTS

1. Map of Peña Blvd. east of E-470
2. Statement of Justification from the City and County of Denver by and through its Department of Aviation
3. Letter and exhibits from City and County of Denver to CDOT (August 9, 2017)
4. Draft resolution

ADDITIONAL INFORMATION

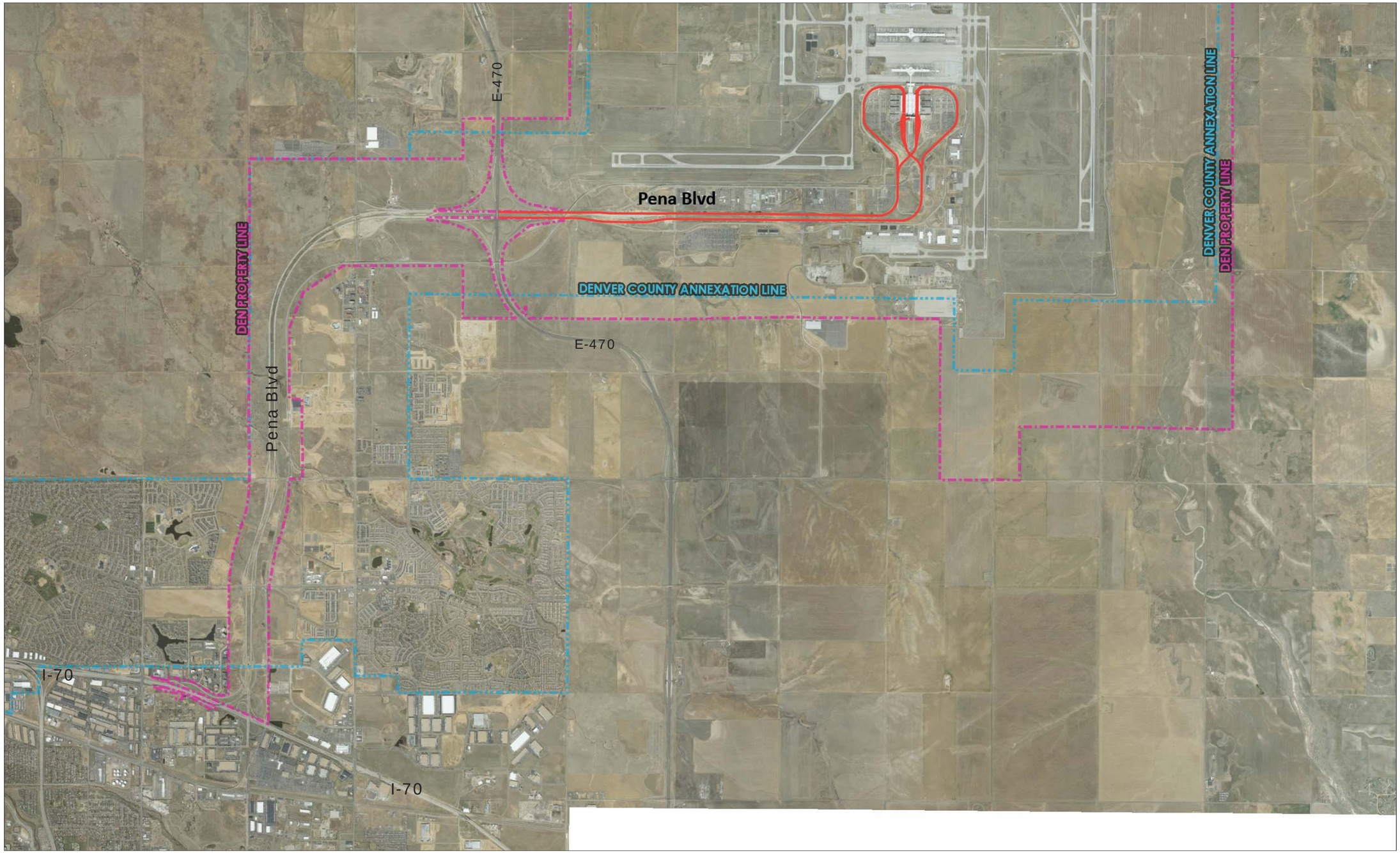
If you need additional information Douglas W. Rex, Director, Transportation Planning & Operations at 303 480-6747 or drex@drcog.org; or Jeff Sudmeier, CDOT, at 303-757-9063 or jeffrey.sudmeier@state.co.us.

DENMaps
DENVER INTERNATIONAL AIRPORT

ATTACHMENT 1

Pena Blvd NHS Segment

East of E-470 to DEN Terminal



12,520.2 0 6,260.08 12,520.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

1: 75,121

Map Generated 9/15/2017

Disclaimer: Map exhibits producing using DEN Maps are for display purposes only and do not supplant the need for a professional survey.

THIS IS NOT A LEGAL DOCUMENT

Legend

- DEN Property Line
- County Annexation Line
- Property/Annexation Labels

Notes

Pena Boulevard east of E470 to DEN terminal

The City and County of Denver, by and through its Department of Aviation, requests the support of the Denver Regional Council of Governments (DRCOG) and the Colorado Department of Transportation (CDOT) in proposing that the Federal Highway Administration (FHWA) remove that portion of Peña Boulevard east of E-470 (Peña East) located on Denver International Airport ("Airport") from the National Highway System (NHS) pursuant to 23 U.S.C. § 103(b)(3).

Applicable Law and Regulation

The Secretary of the U.S. Department of Transportation (USDOT) has authority to:

> [M]ake any modification to the National Highway System, including any modification consisting of a connector to a major intermodal terminal *or the withdrawal of a road from that system*, that is proposed by a State if the Secretary determines that the modification--
>
> > (i) meets the criteria established for the National Highway System under this title after the date of enactment of the MAP-21 [enacted July 6, 2012]; and
> >
> > (ii) (I) enhances the national transportation characteristics of the National Highway System; or
> >
> > (II) *in the case of the withdrawal of a road, is reasonable and appropriate*.

23 U.S.C. § 103(b)(3)(A) (emphasis added). Coordination with local and regional officials and metropolitan planning organization is required. *Id.* § 103(b)(3)(B).

By regulation, the FHWA requires modification proposals to include (1) a route description; (2) a statement of justification; and (3) statements of coordination. 23 C.F.R. § 470.113(a). FHWA regulations also require that modifications "enhance the national transportation characteristics of the National Highway System . . . follow the criteria listed in §470.107 . . . [and] consider the criteria contained in appendix D of [Part 470].

Notably, FHWA's regulations were promulgated prior to amendments made to the FHWA's authority to make modifications to the NHS by the Moving Ahead for Progress in the 21st Century Act's (MAP-21), Pub. L. No. 112-141 (July 6, 2012). These amendments include the italicized language in the statutory provision cited above. While FHWA regulations require all proposals to address whether the modification would "enhance[] the national transportation characteristics of the National Highway System," DEN believes that, in the case of a withdrawal, the State must instead demonstrate why withdrawal is "reasonable and appropriate," in accordance with the plain language of the statute.

Additional guidance is available on the FHWA's website, https://www.fhwa.dot.gov/planning/national_highway_system/update/index.cfm.

Route Description

- Route name: Peña Boulevard E 470 interchange east to the Denver International Airport terminal ("Peña East")
- Route number: Not Applicable (Peña Blvd. is local roadway not identified as a State or Federal Highway with an associated route number); FHWA Intermodal connector C022A
- From intersecting route / To intersecting route (or begin mile point to ending mile point) description of the route in question: E-470 to Airport Terminal
- Segment length (in miles): 4.3 miles[1]
- City / County / MPO (jurisdictional identifier): City and County of Denver. MPO – Denver Regional Council of Governments (DRCOG)
- Map locating subject segment: attached
- Accompanying GIS Shapefile of the subject segment only: attached

Statement of Justification

As noted above, and on the face of the express statutory authorization to make modifications to the NHS, Denver believes that the withdrawal of Peña East from the NHS requires a finding that such withdrawal is "reasonable and appropriate," and not that withdrawal would "enhance[] the national transportation characteristics of the National Highway System." *See* 23 U.S.C. § 103(b)(3). However, Denver asserts that the removal of Peña East from the NHS is justified under either standard for the reasons set forth below:

A. The unique history and character of Peña East warrant its removal from the NHS.

Peña East is not a connector to an intermodal facility, but rather part of the intermodal facility, itself. Peña East is located entirely on Denver International Airport and serves as the Airport's driveway.

Peña Boulevard is a unique airport access road in several respects:

- Peña Boulevard is the only means of access to Denver International Airport.
- Constructed in 1995, Peña Boulevard is located **entirely on Airport property** and was constructed for dedicated Airport access.
- Peña Boulevard was constructed without federal financial assistance and has been operated without federal grants of any kind for its entire 22+-year history.
- Denver used Passenger Facility Charge (PFC) revenue to construct Peña East. By law, PFCs only can be used for facilities used exclusively for airport purposes.
- Denver's Department of Aviation operates, maintains and improves Peña Boulevard over its entire length from I-70 to the Airport terminal.

[1] There is some confusion over the length of the segment, in part based on whether you measure to the "y split" prior to the terminal or its farthest point at the terminal.

Peña East serves as DEN's "driveway" offering airport signage and amenities to travelers including rental car facilities, gas stations, a cell phone waiting lot, dog boarding, and long-term parking. The interchange of Peña Boulevard and E-470 signals to travelers, "You are now on the Airport, start paying attention to where you need to go." Accordingly, Peña East is part of the Airport and should not be included on the NHS.

The portion of Peña Boulevard from I-70 to E-470 ("Peña West") primarily serves Airport users. However, this roadway segment includes interchanges providing access to commercial and residential development in communities surrounding the Airport and, as a result, is used by some vehicles not destined for or originating from the Airport. Peña West properly is part of the NHS, and Denver is not requesting withdrawal of this roadway segment.

B. Maintaining Peña East on the NHS is inconsistent with the needs and priorities of the Denver community and region.

Removal of Peña East from the NHS is consistent with "existing and anticipated needs and any planned improvements to the route." *See* 23 C.F.R. part 470, app. D ¶ 5. Denver has plans for commercial development in a portion of the median of Peña East. If Peña East remains part of the NHS, the FHWA has advised that Denver will have to cease its development plans, at significant cost to the Airport and community.

DEN is located 23 miles from downtown Denver. The Airport's 12-mile-long access road can prove to be a strain on travelers looking for last-minute passenger amenities. Denver's plans for commercial development in and around Peña East would enhance the limited offerings for travelers transiting to and from the Airport and generate non-aeronautical revenue. Federal law requires that all airport revenue be reinvested into the Airport.[2] Non-aeronautical revenue plays a critical role in keeping the Airport competitive and airfares low, by reducing the proportion of capital and operating costs that must be recovered from airlines. Additionally, revenue from the commercial development of Peña East will provide Denver with resources it needs for critical projects without relying on heavy federal investment.

Today, virtually all of the land uses on Airport property are directly related to the Airport's role as a transportation facility. Going forward, Denver intends to market and facilitate an expanded array of commercial non-aeronautical uses of Airport property as a means to make good use of the Airport's vast size and to generate airport revenue that by law will be reinvested into DEN's facility and reduce its reliance on federal dollars. These land uses may include hotels, offices, warehouses, manufacturing, retail, education and other compatible activities. Airport development initiatives will be stymied due to restrictions imposed on NHS roadways. Such restrictions are unnecessary with respect to Peña East, because this segment has not been constructed or maintained with federal funds, is subject to the Federal Aviation Administration's (FAA) regulatory oversight, and is part of the Airport, itself.

[2] 49 U.S. Code § 47107(b).

C. Keeping Peña East on the NHS would adversely impact existing NHS routes, specifically Peña West.

DEN has been advised by the FAA that DEN can no longer pay for the operation and maintenance (O&M) of Peña West entirely with airport revenue, because, unlike Peña East, it does not serve airport patrons exclusively.[3]

Denver seeks to conceptually bifurcate Peña Boulevard so that Denver can take advantage of federal funding opportunities for Peña West, which serves the purposes for which the NHS was intended, while preserving Denver's ability to develop Peña East in accordance with the Airport's needs.

Denver used airport revenue to pay for the cost to construct, operate, maintain and improve Peña Boulevard in its entirety. However, in 2010, the FAA advised that Denver could no longer use only airport revenue in connection with Peña Boulevard because the amount of non-airport traffic – on Pena West – had grown to a more-than-nominal amount.

Since this time, Denver's Department of Aviation has sought and received non-airport revenue in order to comply with FAA's guidance. With the consent of the FAA, the Department of Aviation has sought and received one million dollars annually in support of the non-airport traffic on Peña Boulevard.

Recently, Denver has been working with the FAA to develop a long-term plan for funding the operation, maintenance and improvement of Peña Boulevard. Central to the plan is the principle that Peña Boulevard essentially is two roads: Peña East and Peña West. Peña East will continue to be used exclusively for airport purposes and funded exclusively with airport revenue. Peña West will be funded with airport and non-airport revenue in proportion to the level of airport and non-airport traffic. Denver is exploring federal and state grant programs that might provide the non-airport-revenue portion of roadway costs.

The combined effect of the FAA's concurrence with Denver's approach and withdrawal of Peña East from the NHS is that Denver will be better able to maintain both roadway segments: east and west. Accordingly, removal of Peña East, to the extent it would have an effect on other NHS routes in close proximity, *see* 23 C.F.R. part 470, app. D ¶ 7, would *enhance* Denver's ability to maintain Peña West.

D. Peña East should be removed from the NHS as a technical correction. When intermodal connectors were added to the NHS, the procedure required by Federal law was not followed and DEN did not receive notice or an opportunity to meaningfully participate in the process.

Finally, withdrawal of Peña East is also reasonable and appropriate because it appears that it was not properly added to the NHS in the first instance.

When intermodal connectors were added to the NHS, the procedure required by Federal law was not followed and Denver did not receive notice or an opportunity to meaningfully participate in the process. Denver concludes that Peña East was inadvertently added, as evidenced by the failure to follow the statutory consultation process required.

[3] Under federal law, the maximum expenditure of airport revenue toward the capital or operating costs of an access road must be prorated in proportion to its use by airport passengers. *See* FAA, Bulletin 1: Best Practices-Surface Access to Airports 5 (Feb. 10, 2004) ("Bulletin"), https://www.faa.gov/airports/resources/publications/reports/media/bulletin_1_surface_access_best_practices.pdf.

The 1995 National Highway System Designation Act, Pub. L. No. 104-59 (Nov. 28, 1995) required the state to work with Metropolitan Planning Organizations ("MPOs") and local governments to make recommendations to the FHWA for intermodal terminals and connectors appropriate for inclusion in the system. Further, Colorado state law gives both the Public Highway Authority and the Regional Transportation Authority power to designate a roadway as part of the NHS, but requires cooperation and consent of the local jurisdiction.[4]

We can find no evidence that this cooperative process occurred or that Denver had any participation in the process.[5] Had Denver meaningfully participated in the process to make recommendations for NHS inclusions, as contemplated by the Act, Denver would have recommended that the Airport-serving segment -Peña East - not be included as part of the NHS because Peña East is the Airport's driveway and part of the Airport; it is not a "connector" to the facility, it is the facility itself.

Statements of Coordination

23 CFR §470.113 requires statements of coordination with adjoining States on State-line connections, with responsible local officials, and with officials of areas under Federal jurisdiction.

Since February 2017, Denver has met with a series of impacted local and Federal officials. As detailed below.

Federal coordination:

- Coordination with FHWA Colorado Division Office, in partnership with the Colorado Department of Transportation. In addition, DEN CEO Kim Day and Airport staff traveled to Washington, D.C. to meet with Federal Highway Administration (FHWA) leadership and staff in on April 13 and April 25, 2017.

Local coordination: Denver coordinated with the Colorado Department of Transportation and the local Metropolitan Planning Organization (MPO), Denver Regional Council of Governments (DRCOG). To date, CDOT and DRCOG have raised no objections to DEN's request to modify the NHS.

- On August 17, 2017, the Colorado Department of Transportation provided an overview of Denver's request at the monthly meeting of the Colorado Transportation Commission. No objections were raised.
- On September 25, 2017, Denver presented its request to DRCOG's Transportation Advisory Committee (TAC). With no objections, the Committee recommend to the DRCOG Regional Transportation Committee (RTC) concurrence with the Denver's request to remove Pena Blvd east of E470 from the NHS.
    - On October 17, 2017, Denver will present its request to DRCOG RTC.
    - On October 18, Denver is scheduled to present its request for support on this application to the DRCOG Board.

[4] *See* C.R.S. §§ 43-4-510 and 43-4-610.

[5] Despite exhaustive searches of archival records conducted by both the Airport and CDOT, the only documentation existing from that time is a Resolution approved by the Colorado Transportation Commission on April 15, 1993 proposing that Peña from DIA to I-70 be included on the NHS and a letter sent by CDOT to the Denver Regional Council of Governments (DRCOG) dated June 26, 1995, where DEN is identified as an intermodal terminal and DRCOG is invited to work with CDOT to select connections to intermodal terminals. Letter and Resolution attached.

CITY AND COUNTY OF DENVER

DENVER
THE MILE HIGH CITY

MICHAEL HANCOCK
Mayor

DEPARTMENT OF LAW
Kristin M. Bronson
CITY ATTORNEY

DEN Legal
AIRPORT OFFICE BUILDING
DENVER INTERNATIONAL AIRPORT
8500 PEÑA BOULEVARD, 9TH FLOOR
DENVER, COLORADO 80249
PHONE: (303) 342-2540
FAX: (303) 342-2552

August 9, 2017

Colorado Department of Transportation
ATTN: Josh Laipply
Chief Engineer
4201 East Arkansas Avenue
Denver, CO 80222

Dear Mr. Laipply:

Following our meeting on July 21, 2017, I am writing on behalf of the City and County of Denver, Denver International Airport ("Airport or DEN") to formalize a request through the Colorado Department of Transportation ("CDOT") to the Federal Highway Administration ("FHWA") for a correction to the maps reflecting the National Highway System ("NHS"). Existing maps are conflicting, and incorrectly include the portion of Peña Blvd. (east of E-470) on the NHS, when the segment of Peña Blvd. east of E-470 only serves the airport and functions as its "driveway." The inadvertent inclusion of the Airport-serving segment has stymied important development initiatives of the Airport. While the ultimate decision to correct official highway maps remains with the FHWA, we appreciate CDOT's cooperation in initiating the administrative removal process.

<u>When Congress made the initial NHS designation, Peña was not a part of the system.</u>

The statutory history underlying the creation of the NHS provides context for Peña Boulevard's ("Peña") inclusion into the system. In 1991, prior to the Airport and Peña being built, the U.S. Department of Transportation ("DOT") created the NHS through passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. No. 102-240 (Dec. 18, 1991). In 1993, the DOT designated the entire system, but did not include intermodal terminals – ports, railroad terminals, and airports (*i.e.*, DEN). Therefore, at that time, Peña was not part of the NHS. In 1994, the DOT began the process of establishing the procedures and criteria for identifying major intermodal terminals and in 1995 codified a process to include intermodal connectors in NHS system. This 1995 National Highway System Designation Act (the "Act"), Pub. L. No. 104-59, § 101, 109 Stat. 570 (Nov. 28, 1995), required the state to work with Municipal Planning Organizations ("MPOs") and local governments to make recommendations to the FHWA for intermodal terminals and connectors appropriate for inclusion in the system.

When intermodal connectors were added to the NHS, DEN did not receive notice or an opportunity to meaningfully participate in the process.

State law gives both the Public Highway Authority and the Regional Transportation Authority power to designate a roadway as part of the NHS, but requires cooperation and consent of the local jurisdiction. See C.R.S. §§ 43-4-510 and 43-4-610. We can find no evidence that this cooperative process occurred. Despite exhaustive searches of archival records conducted by both the Airport and CDOT, the only documentation existing from that time is a Resolution approved by the Colorado Transportation Commission on April 15, 1993 proposing that Peña from DIA to I-70 be included on the NHS and a letter sent by CDOT to the Denver Regional Council of Governments[1] (DRCOG) dated June 26, 1995, where DEN is identified as an intermodal terminal and DRCOG is invited to work with CDOT to select connections to intermodal terminals. (Letter and Resolution attached). Had DEN meaningfully participated in the process to make recommendations for NHS inclusions, as contemplated by the statutory authorization, DEN would have recommended that the private Airport-serving segment of Peña not be included as part of the NHS because this section of Peña Boulevard serves only airport traffic and is maintained exclusively by the airport using airport-related funds.

Maps are conflicting as to what segment of Peña is an intermodal connector to the NHS.

By the time Congress passed Moving Ahead for Progress for the 21st Century (MAP-21), Pub. L. No. 112-141 (July 6, 2012), Peña was depicted on NHS maps as an intermodal connector and appeared in lists and tables maintained by FHWA and identified as an intermodal connector. The maps, lists, and tables are inconsistent in how they describe the facility and the length they give.[2] For example, an FHWA interactive map suggests that Peña west of E-470 was part of the pre-ISTEA Federal Aid-Primary system, but not the portion east of E-470.[3] Peña east of E-470 is included on FHWA's list of intermodal connectors in Colorado (facility ID CO22A) and is described as running from the "E-470 interchange east to airport terminal," and is listed at 4.3 miles.[4] However, published on the same website, the FHWA U.S. List of NHS Connectors, uses the same facility ID, but describes the Intermodal Connector segment as "E-470 interchange," and shows

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[1] DEN and CDOT are currently in the process of working with DRCOG to determine what role DRCOG has with respect to DEN's current request to remove Pena east of E-470 from the NHS.

[2] A review of the FHWA interactive map website and map metadata failed to identify sources for the NHS layer or information about when each segment was added. The FHWA intermodal connector's website similarly did not date facility additions or provide any information about when and how each segment was added to the NHS. Without historical data to compare against, there is no way to know when the Airport-serving segment was officially added from these sources.

[3] http://hepgis.fhwa.dot.gov/fhwagis/ViewMap.aspx?map=Highway+Information|1991+Federal+Aid+Primary+(FAP)#, (last accessed July 25, 2017).

[4] FHWA Intermodal Connectors, Colorado, https://www.fhwa.dot.gov/planning/national_highway_system/intermodal_connectors/colorado.cfm, (last accessed July 25, 2017).

the length as 0.7 miles.[5] The inconsistencies in the various publications emphasize the need to correct NHS maps and other supporting publications.[6]

DEN has always operated under the premise that the Airport serving segment of Peña east of E-470 is subject solely to FAA's regulatory oversight, that it would be maintained exclusively with airport revenue, and that the Airport has authority to develop the median and adjacent areas.

The construction bids for Peña were received in early 1992 and the final construction was completed in late 1994. Current DRCOG traffic counts show that E-470 bisects Peña Blvd. based on use: the Airport-serving segment carries 125,000 vehicles per day and does not connect into the broader roadway system for all practical purposes[7], while the western portion carries 85,000 vehicles per day and has major intersections with non-airport owned roadways at Tower Rd, 56th Ave, 40th Ave, and Green Valley Ranch Blvd.[8]

As early as 1991 when preliminary designs of Peña were completed, the Airport was in consultation with air carriers in anticipation of an application to the Federal Aviation Administration ("FAA") for approval of a passenger facility charge ("PFC"). On January 30, 1992, the Airport placed on file an official application with the FAA and three months later, on April 28, 1992, received a Record of Decision from the FAA, approving a PFC on DEN air carriers in order to pay for facility construction of Denver International Airport, including the main access road (i.e. Peña). FAA ROD (Apr. 28, 1992). The use of PFC revenue is strictly limited to projects that enhance safety, security, or capacity, reduce noise, or increase air carrier competition. See 49 U.S.C. § 40117. FAA's decision to approve the use of PFCs for construction of Peña was based on important factors, including that Peña from the Airport terminal to the Tower Road interchange is the airport's primary access road and intended "clearly for the exclusive use of airport patrons."

Since its inception, DEN has always operated under the premise that the Airport is subject to the FAA's regulatory oversight, that operation and maintenance of Peña is the sole responsibility of the Airport, with no responsibilities falling to other DOT agencies. Moreover, the Airport estimates that it will spend $1M annually of airport revenue for operation and maintenance costs for Peña. The Airport has always paid for operation and maintenance on Peña; it has never sought FHWA funds or services from the FHWA or CDOT for Peña Blvd. Further, the segment of Peña east of E-470 that is mistakenly included on the NHS is part of the airport proper that has been developed to provide services demanded by airport patrons and tenants,

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[5] FHWA U.S. NHS Connectors List, https://www.fhwa.dot.gov/planning/national_highway_system/intermodal_connectors/all_connectors.cfm.

[6] For reference, DEN Planning measures the Airport-serving segment of Peña, east of E-470 as 4.87 miles and the portion of Peña Blvd. west of E-470 as 7.21 miles.

[7] While there is an interchange with Peña Blvd. and Jackson Gap Rd, which ties into 56th Ave, the traffic counts show that there is no significant vehicle diversion along this route; at 56th Ave and Monaghan Rd, the closest count location, had an ADT of only around 500 cars. DRCOG Regional Traffic Counts, http://gis.drcog.org/trafficcounts/ (last visited July 24, 2017).

[8] DRCOG Regional Traffic Counts, http://gis.drcog.org/trafficcounts/ (last visited July 24, 2017).

including a cell phone lot, remote airport parking lots with shuttles to the terminals, and rental car and other airport-related businesses. The Airport has plans for commercial development that remains uncertain under FHWA jurisdiction so long as the portion of Peña Blvd. east of E-470 remains improperly classified as part of the NHS.

Similarly, directional signage on the airport-serving side of Peña is typical of other airports in the final approach. This is likely because the FAA has addressed the applicability of the MUTCD in AC 150/5360-12E, which attempts to balance the unique circumstances of airports with safe highway engineering. While the FHWA clarified the application of the MUTCD under 23 CFR § 655.603(a) to "all streets, highways, or bicycle trails open to public travel" by noting that roads within "shopping centers, airports, and sports arenas" were subject to the manual's requirements, the Preamble to the Final Rule explained that this list was provided only as "general examples of what [open to public use] means...." See 71 Fed. Reg. 75,112. In response to a comment from AASHTO, the Preamble goes on to note that FWHA does not "require State or local agencies to police the private properties open to public travel to ensure compliance with the MUTCD."

Relatedly, the Airport was informed by the FAA that it was impermissible to continue to use exclusively airport revenue for the portion of Peña west of E-470, clearly part of the NHS, because it serves measurable non-airport traffic. Correcting the maps of the NHS will allow the Airport to continue to fund the operation and maintenance of the airport serving segment of Peña, pursue important commercial development initiatives both in the median and adjacent to Peña, <u>and</u> preserve the Airport's eligibility for federal transportation funds necessary to complete a capacity expansion project on Peña Blvd. west of E-470 serving a portion of the general public. If Peña east of E-470 remains on the NHS, DEN's hands will be tied and funding eligibility for Peña west of E-470 will be in jeopardy.

<u>The Secretary of Transportation has statutory authority to withdraw roads from the NHS when it is reasonable and appropriate.</u>

As you know, DEN is and will continue to pursue a legislative change to the NHS map. To date, we have garnered the support from the U.S. Senate. Last month, the Senate Appropriations Committee passed an FY18 transportation appropriations bill that would require DOT to remove Peña east of E470 from the NHS.[9] We are not aware of any opposition to this effort.

However, since the timeline for a legislative change is uncertain and Airport development projects are on the horizon, we are hopeful that no opposition from CDOT's Transportation Commission will be sufficient for FHWA to remove the Airport-serving segment of Peña from the NHS. 23 U.S.C. §103(b)(3)(A)(ii)(II) supports that removals can be made when it is "reasonable

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[9] Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018, S.1655, 115th Cong. § 127 (2017).

and appropriate." Further, FHWA guidance contemplates technical corrections without involvement of the Secretary.[10]

We very much appreciate CDOT's cooperation in this process and are respectfully requesting the assistance of CDOT in approaching FHWA with this request. Please do not hesitate to contact me with questions or let me know how I can be of further assistance in this process.

Best Regards,

Kirsten J. Crawford

Kirsten J. Crawford
Senior Assistant City Attorney
City and County of Denver

Cc: Kim Day, Chief Executive Officer, DEN
Mark Baker, Senior Vice President of AIM, DEN
Dan Reimer, Assistant General Counsel, DEN
Rachel Carr, Federal Affairs Manager, DEN
Doug Rex, Acting Director, DRCOG

Enclosure: 4

[10] FHWA website, https://www.fhwa.dot.gov/planning/national_highway_system/update/index.cfm.

2920rc

COLORADO PROPOSED NATIONAL HIGHWAY SYSTEM

The proposed NHS was approved by the transportation commission on April 15, 1993 and submitted to the FHWA on May 7. It consisted of the following mileages:

	Rural	Urban	Total
Interstate	768	185	953
Other Routes	1,548	505	2,053
Total	**2,316**	**690**	**3,006**
NHS Target Mileage	2,308 (+8)	668 (+22)	2,976 (+30)
Additional Requested Mileage	253	72	325
Possible STRAHNET Route	40	3	43

Major Statewide Routes are:

I-25	From New Mexico State Line to the Wyoming State Line
I-70	From Utah State Line to the Kansas State Line
I-76	From Denver to the Nebraska State Line
I-225	In Denver
I-270	In Denver
U.S. 24	From Divide to Limon
U.S. 34	From Granby to I-76 at Wiggins (part in Rocky Mountain National Park is not on the NHS)
U.S. 40	From Utah State Line to I-70 at Empire Junction, in Denver from Broadway to I-70 East and from Limon to Kit Carson
U.S. 50	From Grand Junction to the Kansas State Line
U.S. 85	In Denver from SH 470 to I-25 and from I-76 to Greeley
U.S. 160	From the New Mexico State Line to I-25 at Walsenburg

U.S. 287	From the Oklahoma State Line to Kit Carson and in Denver from West Colfax Ave. to the Wyoming State Line
U.S. 550	From the New Mexico State Line to Montrose
U.S. 666	From the New Mexico State Line to U.S. 160

Major Regional Routes are:

S.H. 14	From Fort Collins to I-25
U.S. 36	From Boulder to Denver
S.H. 45/ Pueblo Blvd.	From I-25 south of Pueblo to I-25 north of Pueblo
I-70 B	From U.S. 50 in Grand Junction to I-70 at Clifton
S.H. 82	From Glenwood Springs to Aspen
S.H. 93	From Golden to Boulder at Baseline Road
S.H. 119	From Boulder to Longmont and I-25

In Colorado Springs

S.H. 16/Peaceful Valley Road	From I-25 to Powers Blvd.
S.H. 83/ Academy Blvd.	From I-25 south of Colorado Springs to I-25 North of Colorado Springs
Airport Rd.	From Powers Blvd. to Academy Blvd.
Powers Blvd.	From I-25 south of Colorado Springs to I-25 north of Colorado Springs
Woodman Road	From I-25 to Powers Blvd.

In Boulder

U.S. 36 Spur/ Baseline Road	From U.S. 36 to S.H. 93
S.H. 157/ Foothills Pkwy.	From U.S. 36 to S.H. 119

In Denver

S.H. 2/U.S. 6/ Colorado Blvd.	From I-25 to I-76
U.S. 6/ 6th Ave.	From S.H. 93 & 58 to Broadway
S.H. 30/ 6th Ave.	From I-225 to Buckley ANGB
S.H. 83/ Parker Rd.	From E-470 to Colorado Blvd.
S.H. 88	From Colfax Ave. to U.S. 285 and from U.S. 85 to I-25
S.H. 121/ Wadsworth Blvd.	From Martin Marietta Plant to 120th Ave.
S.H. 128/ 120th Ave.	From Federal Blvd. to Beltway/Tower
S.H. 177/ University Blvd.	From S.H. 470 to I-25
U.S. 285/ Hampden Ave.	From S.H. 470 to I-25
S.H. 470	From U.S. 6 to I-25
E-470	From I-25 to Parker Road
Beltway/Tower Road	From 120th Ave. to Pena Blvd.
Buckley Rd./ Quincy Ave.	From I-70 to Parker Road
Fox/23rd Pair/Broadway/ Lincoln Pair	From North I-25 to South I-25
Pena Blvd.	From DIA to I-70
Peoria St.	From I-70 to Fitzsimons AMC

Additional Requested Routes are:

Statewide

U.S. 285/ S.H. 17/ U.S. 24	From the New Mexico State Line to Denver

In Boulder

U.S. 36/ 28th St.	From U.S. 36 to S.H. 119
S.H. 119	From S.H. 157 to U.S. 36

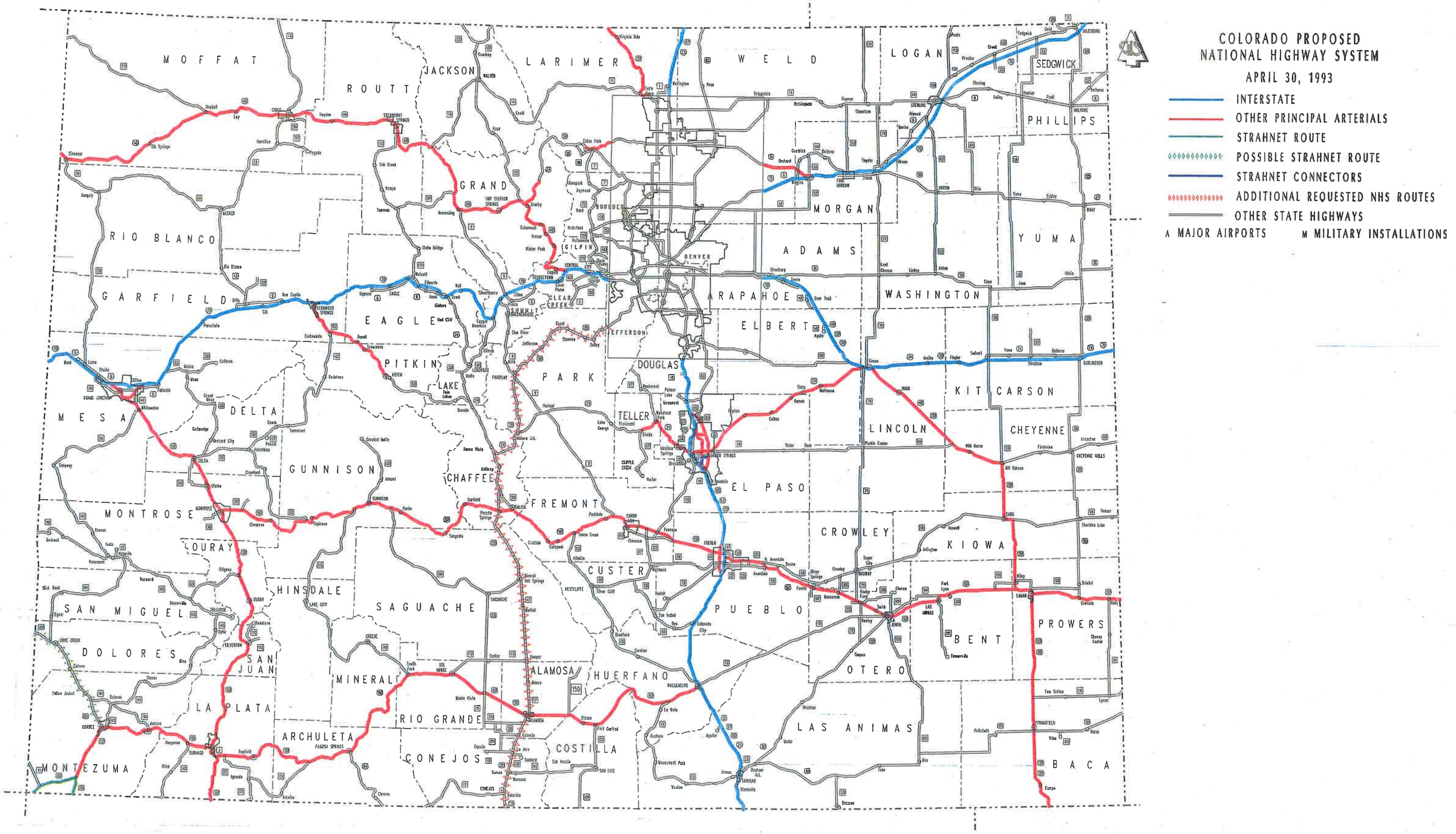
In Denver

S.H. 30/ Hampden/ Havana Ave.	From I-25 to Alameda Ave.
U.S. 40/ Colfax Ave.	From Broadway to Speer Blvd.
S.H. 44/104th Ave.	From Wadsworth Blvd. to Beltway/Tower Rd.
S.H. 75/ Bowles Ave.	From S.H. 470 to Santa Fe Drive
S.H. 88/ Arapahoe Rd.	From University Blvd. to Parker Rd.
1st Ave./ Speer Blvd.	From Colorado Blvd. to I-25
Alameda Ave.	From Colorado Blvd. to Buckley Rd.
Beltway S.E.	From Parker Rd. to Pena Blvd.
Beltway N.E.	From Beltway/Tower Road to I-25

The NHS was developed in accordance with Section 1006 of the ISTEA and used the "illustrative" NHS as a base. Additional routes were added based on input from CDOT staff, MPOs and local governments.

The requested system slightly exceeds the target mileage of 2976. It is over by 30 miles. In addition, the Department has requested an additional 325 miles for routes that should be on the NHS but were not included because of the mileage limitation placed on Colorado by FHWA.

Action by FHWA has been projected by June 30, 1993 and congressional action by September 30, 1995.


COLORADO PROPOSED
NATIONAL HIGHWAY SYSTEM
APRIL 30, 1993
INTERSTATE
OTHER PRINCIPAL ARTERIALS
STRAHNET ROUTE
POSSIBLE STRAHNET ROUTE
STRAHNET CONNECTORS
ADDITIONAL REQUESTED NHS ROUTES
OTHER STATE HIGHWAYS
A MAJOR AIRPORTS
M MILITARY INSTALLATIONS
MOFFAT
ROUTT
JACKSON
LARIMER
WELD
LOGAN
SEDGWICK
PHILLIPS
GRAND
BOULDER
MORGAN
YUMA
RIO BLANCO
GILPIN
DENVER
ADAMS
GARFIELD
CLEAR CREEK
ARAPAHOE
WASHINGTON
EAGLE
SUMMIT
JEFFERSON
ELBERT
PITKINS
LAKE
PARK
DOUGLAS
KIT CARSON
MESA
DELTA
TELLER
LINCOLN
CHEYENNE
GUNNISON
CHAFFEE
EL PASO
MONTROSE
FREMONT
CROWLEY
OURAY
KIOWA
CUSTER
HINSDALE
SAN MIGUEL
SAGUACHE
PUEBLO
PROWERS
DOLORES
SAN JUAN
BENT
MINERAL
ALAMOSA
HUERFANO
OTERO
LA PLATA
RIO GRANDE
LAS ANIMAS
ARCHULETA
COSTILLA
CONEJOS
BACA
MONTEZUMA

COLORADO PROPOSED NATIONAL HIGHWAY SYSTEM

APRIL 30, 1993

INTERSTATE

OTHER PRINCIPAL ARTERIALS

STRAHNET ROUTE

POSSIBLE STRAHNET ROUTE

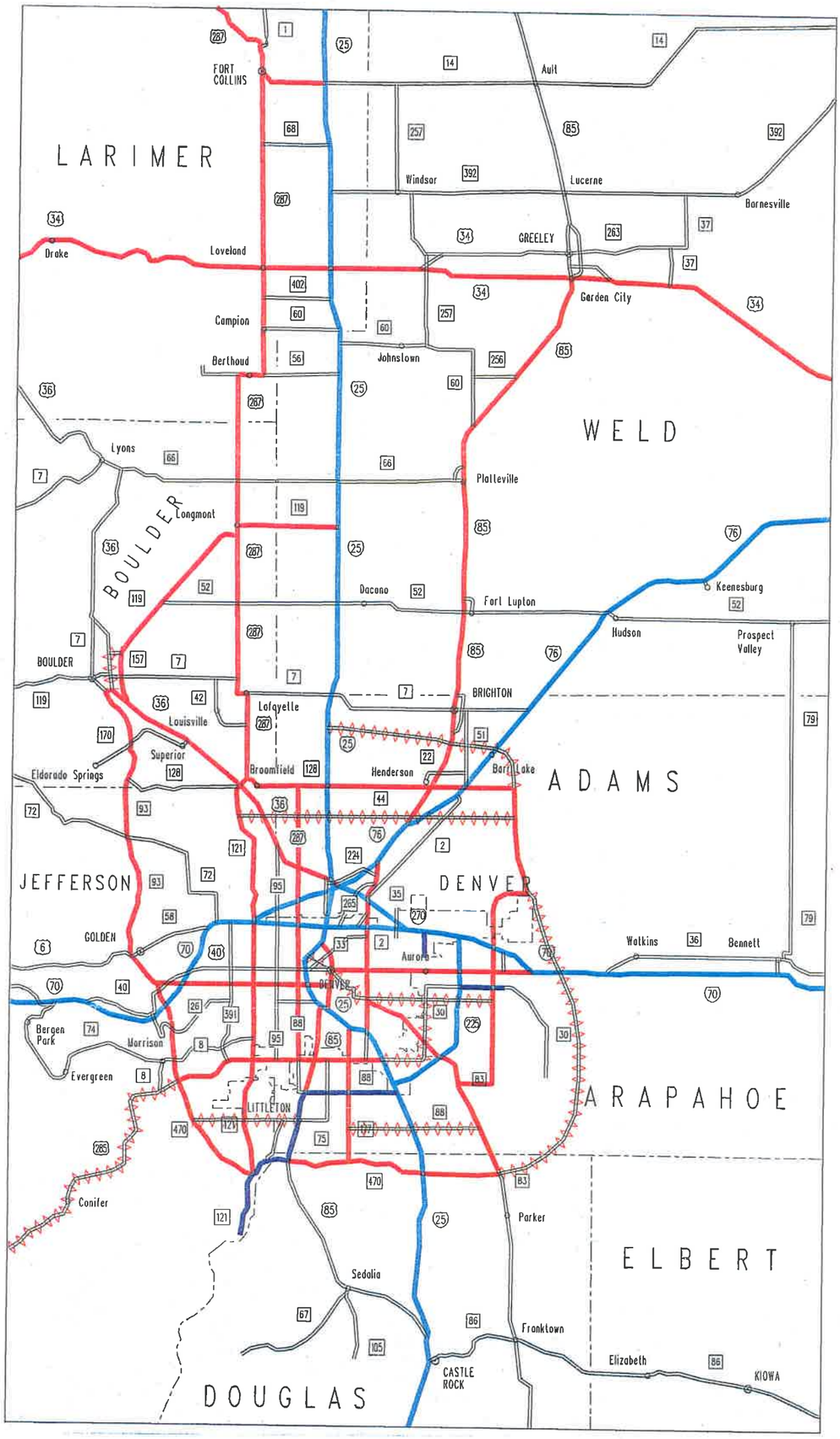
STRAHNET CONNECTORS

ADDITIONAL REQUESTED NHS ROUTES

OTHER STATE HIGHWAYS

A MAJOR AIRPORTS

M MILITARY INSTALLATIONS



ATTACHMENT 3

ATTACHMENT 3

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

June 26, 1995

Mr. George Scheuernstuhl
Director of Transportation Services
Denver Regional Council of Governments
2480 W. 26th Avenue, Suite 200-B
Denver, CO 80211

Dear. Mr. Scheuernstuhl:

Our letter to you dated December 6, 1995, requested your assistance in completing an inventory of all intermodal facilities in Colorado to be used by the Federal Highway Administration (FHWA) in developing the criteria and procedures for identifying National Highway System (NHS) connections to Intermodal Terminals. Several Transportation Planning Regions (TPR's) provided responses to the December 6 request and we submitted the data requested by FHWA to them in January of this year. Attached is a copy of an April 14, 1995, memorandum from the FHWA Headquarters Office in Washington, D.C. to their Regional Administrators, and the "Guidelines and Criteria for Identifying NHS Connections to Major Intermodal Terminals". Copies of this information was also sent you May 17, 1995. Copies of an FHWA list of major intermodal termiansl are also attached.

The following list includes major intermodal terminals from the FHWA list plus others we have identified from information you supplied us and work we have done on the Intermodal Management System.

1. Denver International Airport
2. Denver Union Station
3. Denver Bus Station (Greyhound)
4. Denver DRGW
5. Denver UP
6. Denver BN
7. Rolla UP
8. Broomfield Park and Ride
9. Burkhardt Transit Station and Park and Ride
10. Southmoor Park & Ride
11. Table Mesa Park & Ride
12. Thornton Park & Ride
13. Wagon Road Park & Ride
14. Civic Center Transit Station
15. Market Street Transit Station

We would appreciate your review of this list and any correction or additions you may have. We also would appreciate any data you have on these intermodal facilities as requested by FHWA in Attachment 2.

A number of these facilities will require connections to the NHS and we would like to work with you on the selection on these connections.

Mr. George Scheuernstuhl
Page Two
June 26, 1995

Please contact me at 757-~~0~~98 19 or Mr. Dallace Unger at 757-9814 of this office to set up a meeting to discuss this matter. Thank you for your assistance in this matter.

Very truly yours,

Dave Ruble, Manager
Intermodal Business Group

DR:mt

cc of all letter to TPR's to Dave Ruble and Brian Pinkerton (included FAWA att. for Brian)

Greg F. will obtain input from transit, intercity bus, terminal, carrier and shipper operators

cc of DRCOG letter to Regions 1, 4, & 6.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS RESOLUTION NO._____ 2017

A RESOLUTION CONCURRING WITH THE REQUEST OF THE CITY AND COUNTY OF DENVER, BY AND THROUGH ITS DEPARTMENT OF AVIATION, TO THE FEDERAL HIGHWAY ADMINISTRATION TO REMOVE THE NATIONAL HIGHWAY SYSTEM DESIGNATION FOR THE PORTION OF PEÑA BLVD. EAST OF E-470 TO THE AIRPORT TERMINAL.

WHEREAS, the Denver Regional Council of Governments (DRCOG) is the Metropolitan Planning Organization for the Denver region and is responsible for the operation and maintenance of a continuing, cooperative, and comprehensive transportation planning process; and

WHEREAS, the National Highway System (NHS) is the federally designated system of roadways that are important to the nation's economy, defense, and mobility, that includes all interstate highways and other roadways that provide access to public transportation facilities, airports, ports, military installations, and intermodal facilities; and

WHEREAS, the regulations for modifying routes and intermodal connectors on the NHS are in 23 CFR 470, Federal-aid Highway Systems, and in Appendix D to Subpart A, "Guidance Criteria for Evaluating Requests for Modifications to the NHS"; and

WHEREAS, the City and County of Denver, by and through its Department of Aviation, in accordance with applicable federal regulations are initiating a request through DRCOG as the MPO for submittal to the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) to remove the NHS designation for the portion of Peña Boulevard east of E-470 to the airport terminal; and

WHEREAS, the Transportation Advisory Committee and the Regional Transportation Committee have recommended that the Board of Directors concur with the request of the City and County of Denver, by and through its Department of Aviation, to FHWA to remove the NHS designation for the portion of Peña Boulevard east of E-470 to the airport terminal.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to its *Articles of Association*, and the authority granted under sections 30-28-106 and 43-1-1101 through 1105 of the Colorado Revised Statutes, as the Metropolitan Planning Organization for the Denver Region, the Denver Regional Council of Governments concurs with the request of the City and County of Denver, by and through its Department of Aviation, to FHWA to remove the National Highway System designation for the portion of Peña Boulevard east of E-470 to the airport terminal.

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2017 at Denver, Colorado.

_____
Bob Roth, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

_____
Douglas W. Rex, Acting Executive Director

ATTACH E

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303-480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Action	12

SUBJECT

Eligibility rules and process for the selection of projects to be funded through the DRCOG Transportation Demand Management (TDM) set-aside of the *2018–2021 Transportation Improvement Program* (TIP).

PROPOSED ACTION/RECOMMENDATIONS

Recommend approval of the proposed rules, selection process, and evaluation criteria.

ACTION BY OTHERS

September 25, 2017 – TAC recommended approval.

SUMMARY

One of the existing set-asides in the 2018–2021 TIP is the regional TDM set-aside. Traditionally, DRCOG allocates funds from the set-aside to specific projects every two years. This cycle, projects will be selected for funding in both FY 2018 and FY 2019.

The approved 2018–2021 TIP Policy establishes $3.2 million in federal funds for the TDM set-aside over the two-year period. The set-aside contains two major sub-programs:

- $1.12 million is allocated directly to DRCOG's Way to Go Regional TDM Partnership for seven transportation management associations *(not part of this call)*, and
- $2.08 million for a TDM Call for Projects. The TIP Policy identifies two project categories and approximate funding targets:
  - $800,000 for small infrastructure projects, and
  - $1.28 million for non-infrastructure (marketing/outreach) projects.

In addition to the $2.08 million available for this TDM Call for Projects, at this time approximately $211,000 in returned funds and savings is available from prior TDM set-aside non-infrastructure awards, meaning there will be at least **$2.29 million** available.

The Board is asked to act on **two components** of the FY 2018 and FY 2019 TDM set-aside process:

1. **Eligibility Rules and Selection Process** (Attachment 1) — This document is based closely on the one used for the previous selection process in 2015, though with significant re-writing to clarify and more directly incorporate CMAQ guidance. Most aspects of the attachment are straight-forward or have been established for many years. The major changes to the eligibility rules include:
   - Clarification emphasizing incentives of any type are ineligible project expenses.
   - Updated language regarding the high ozone season and transit fare subsidies.
   - Clarification regarding operating expense eligibility by project type.

- Removal of transit-proximity requirement for bicycle parking projects.
- Bicycle/pedestrian travelway limits were simplified to be consistent with overall set-aside project maximum/minimums.

2. **Evaluation Criteria** (Attachment 2) — These evaluation criteria are based closely on those used for the previous selection process in 2015.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to approve the eligibility rules, selection process, and evaluation criteria for the selection of FY 2018 and FY 2019 projects to be funded through the DRCOG Transportation Demand Management (TDM) set-aside of the *2018–2021 Transportation Improvement Program* (TIP).

ATTACHMENTS

1. Draft TDM Set-Aside Eligibility Rules and Selection Process
2. Draft TDM Set-Aside Evaluation Criteria
3. Staff presentation

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Acting Executive Director, at 303-480-6747 or drex@drcog.org or Emily Lindsey, Transportation Planner, at 303-480-5628 or elindsey@drcog.org.

ATTACHMENT 1

TDM Set-aside Eligibility Rules and Selection Process

Call for FY 2018 and FY 2019 Projects

(Draft for Board review – October 2017)

1. **Eligibility Requirements – Applicants/Project Sponsors**

   a. Project sponsors must be eligible to be direct recipients of federal funds, particularly CMAQ funds. These include local governments, governmental agencies, and non-profits. Private, for-profit companies (e.g., contractors, suppliers, or consultants) are **not** eligible as sponsors/direct recipients of CMAQ funds.

   b. For small infrastructure projects, only local governments, CDOT, RTD, and other governmental agencies are eligible project sponsors. Non-profits and Transportation Management Associations/Organizations (TMA/Os) are not eligible project sponsors for small infrastructure projects, but may partner with a governmental agency. Non-profits and TMA/Os are eligible project sponsors for non-infrastructure projects.

   c. Project sponsors must also be in good standing with the State of Colorado via the Secretary of State's business database: http://www.sos.state.co.us/pubs/business/businessHome.html

   d. All scopes of work must adhere to the federal CMAQ Program Guidance, located at: https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm and https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/cmaq13ig.cfm

      - Through this Transportation Demand Management (TDM) set-aside, DRCOG is funding some – but not all – projects/activities that may be eligible under the federal CMAQ Program Guidance. Additionally, there is a distinction between TDM-related projects/activities DRCOG is funding in this TDM set-aside and the activities listed in the "Travel Demand Management" section of the federal CMAQ Program Guidance (Section VII.F.8). DRCOG TDM set-aside projects/activities encompass several sections and project types of the federal CMAQ guidance.

2. **Eligible Projects/Activities Overview**

   a. Applications must be for new projects or activities which implement TDM strategies that reduce single occupant vehicle (SOV) travel and ultimately contribute to improving regional air quality and reducing traffic congestion. Applicants must demonstrate how their project/program will have a direct impact on reducing SOV travel, improving air quality, and reducing traffic congestion. If a proposed project is an expansion of a previous project, the applicant must demonstrate how the proposal is distinctly different (i.e., targeted geographic area, population, etc.).

   b. There are two main project categories: infrastructure (capital only) and non-infrastructure (marketing/outreach, etc.). $2,080,000 is allocated to the TDM set-aside for the Call for Projects over a two-year period, with $800,000 for small infrastructure projects and $1,280,000 to all other projects. Additional funding may also be available and may be allocated to infrastructure or non-infrastructure projects. These totals are subject to change depending on the types of applications received and the total amount available. Infrastructure and non-infrastructure projects will be ranked separately from one another.

3. Eligible Projects - Small Multimodal Infrastructure (Capital)

a. Bicycle and pedestrian travelway facilities that are not exclusively recreational and reduce vehicle trips
b. Bicycle parking and supporting infrastructure: mobile bicycle parking, bicycle racks, secure bicycle parking, sheltered parking
c. Bike share: bicycles and stations only
d. Wayfinding and signage
e. Carshare Vehicles: new carshare program or expansion of an existing eligible carshare program
    - Sponsors must demonstrate an emissions reduction from the new carshare program.
    - For expansion of an existing eligible carshare program, sponsors must show that the new vehicles will serve distinctly new locations and members.
    - All vehicle purchases need to have the Buy America waiver secured prior to procurement. Note: FHWA accepts Buy America waiver applications on a quarterly basis and prefers alternatively-fueled vehicles.
    - Operating assistance is restricted to start-up costs for new carshare programs or the incremental cost of expanding an existing eligible carshare program. Operating assistance includes the costs of providing new or expanded transportation services, including but not limited to: labor, fuel, administrative costs, and maintenance.

4. Eligible Projects - Non-Infrastructure Projects:

a. Public education, marketing and outreach promoting or expanding use of TDM measures
    - Marketing-related projects are required to utilize a direct working relationship link to the Way to Go campaign. *(Note: Way to Go staff has drafted a comprehensive list of options and ways to collaborate on TDM marketing efforts, and will work one-on-one with each applicant.)*
b. Innovative Projects *(Note: See Section 16 of CMAQ Guidance)*
c. Transit fare subsidies: reduced or free transit fare programs (subsidies) are eligible under the following conditions per federal guidance:
    - Must be for use on days during the typical high ozone season (June to August).
        - Should be part of a comprehensive areawide air quality program, such as RAQC's "Simple Steps. Better Air." program: http://simplestepsbetterair.org/
    - Should be available to the general public and not limited to specific groups.
    - Should demonstrate that the proposed fare subsidy will be combined with a robust marketing program to inform SOV drivers of transportation alternatives.
d. New Transportation Management Association/Organization (TMA/O)
    - Start-up funding assistance for a new TMA/O cannot exceed two years. A minimum 20 percent of matching funds are required the first year, and 50 percent match in the second year. Additionally, the application must show a commitment of 100% locally derived funds to support the operation of the TMA/O for a third year.
    - Any new TMA/O seeking funds to start operations must capture a new market not currently served by other TMA/Os.

- Per federal guidance, sponsor must show it is an eligible agency (e.g., 501(c)(3), etc.)

5. Limited-Eligible and Ineligible Project Types

a. **Incentives of any type are ineligible** including, but not limited to: memberships and subsidies, cash payments or discounts, specialty advertising giveaways such as t-shirts, water bottles, pins, etc.

b. Stand-alone studies and plans are ineligible.

c. Funding provided to local government sponsors should not replace existing local funding for staff.

d. Applicants should not request funding for projects, activities, or services that are currently performed by other agencies or government entities.

e. Applicants should also not request funding for projects, activities, or services that are currently performed by, or may compete with, the private sector.

f. Existing TMAs/TMOs participating in the Regional TDM Partnership Program may not submit project elements that duplicate activities outlined in the Regional TDM Program Master Agreement.

g. Bikeshare and carshare memberships/subsidies are not eligible per FHWA interpretation of CMAQ Guidance.

h. Stand-alone projects that do not have a direct impact on reducing SOV travel, improving air quality, and reducing traffic congestion are not eligible. (For example, curb cuts or bus pads as stand-alone projects do not have a direct impact on these outcomes).

6. Funding Requirements

a. Applicants may request funding for up to two years for federal Fiscal Years (FY) 2018 and 2019.
   - Federal FY 2018 is from October 2017 through September 2018
   - Federal FY 2019 is from October 2018 through September 2019

b. Minimum project request – must be for at least **$80,000** of federal funds, which can be allocated over two years. This minimum reduces the administrative burden of managing numerous small projects.

c. Maximum individual project request is **$300,000** over two years.

d. A local match of at least 17.21% of the total project cost is required (federal TDM Set-aside = 82.79%). It may be a cash or an approved in-kind match contribution; however, a cash match is encouraged as in-kind match contributions are only eligible in certain circumstances. Applicants proposing a 100% cash match will be awarded additional scoring points. CDOT does not track overmatch (cash or in-kind). If a sponsor wants to overmatch the project on their own, they may do so, but without point incentives.

7. Application Process

a. Interested applicants will be required to attend a half day of application training sponsored by DRCOG and CDOT.

b. As part of the application, applicants must provide reasonable information and estimates regarding project **attributes** that will impact the amount of VMT reduced due to the project, for example:

- For Infrastructure Projects: e.g., (as applicable to the type of project) number of new bike/carshare members, average number of trips per day, number of new bicyclists/transit users as a result of secure bike parking, etc.
- For Non-Infrastructure Projects: e.g., (as applicable to the type of project) number of new businesses and individuals participating in program, current level of transit service in program area, number of new transit trips or new car/van pool trips, etc.

Applicants must calculate detailed predictions of VMT reduction. The application instructions will provide specific details on what type of information is required.

c. Non-local government sponsors **must** include documentation of support from the applicable local government(s) where the project is located.

d. Sponsors of projects involving installation of infrastructure or construction must consider, prior to applying, federal right-of-way rules and procedures when estimating costs, schedule, and funding requests.

e. All project sponsors must complete a Risk Assessment as part of the application process.

f. If there are any questions at all about eligibility, please send DRCOG staff your question to address with FHWA.

8. Project Funding Evaluation and Selection Process

a. DRCOG will establish a Project Review Panel to assist with scoring and evaluating projects. Participants may include:

- DRCOG Divisions: Transportation Planning and Operations; Communications and Marketing (Way to Go); and Regional Planning and Development
- CDOT
- EPA Region 8
- Colorado Air Pollution Control Division
- FHWA
- RTD (if not submitting an application)
- RAQC (if not submitting an application)
- Transportation Management Association/Organization (if not submitting an application)
- Other neutral TDM subject matter experts

b. Each member of the Project Review Panel will review the applications and assign points to the criteria based on information contained in the project application forms.

c. The Panel will convene to discuss the applications and reach consensus on the final criteria points and total score for each project.

d. The Panel will recommend a list of projects to be funded by the Regional TDM Set-aside.

e. The list will then be taken through DRCOG committees for review and final approval by the Board.

9. Award Conditions

a. Each applicant awarded funds will sign an IGA and enter into a contract with either the Colorado Department of Transportation (CDOT), DRCOG, or the Regional Transportation District (RTD) to implement the project depending on the type, location, and other characteristics of the project. CDOT is the ultimate steward of these federal funds.

b. Each applicant will be required to attend reimbursement training (approximately 4 hours) that defines the documentation required for tracking expenses and requesting reimbursement.

c. Projects must be completed within two years from the contract start date.

d. Project sponsors will work with DRCOG, CDOT, RTD (as appropriate), and FHWA/FTA to ensure that the project is being implemented in accordance with federal requirements.

e. Awardees are required to allocate at least 5-10 percent of their budget to surveys and/or tracking mechanisms to determine project results and benefits. Final project evaluations (reported results) will be due to DRCOG and CDOT upon project completion. Awardees have up to two months after the contract end date to complete and submit the project evaluations.

f. Reported results must clearly articulate the estimated trips and VMT reduced due to the project. <u>Final reimbursements are contingent upon receiving final project results.</u>

g. The contracting entity will specify requirements for require status reporting and reimbursement requests.

ATTACHMENT 2

DRAFT TDM Set-Aside Fiscal Year 2018 and Fiscal Year 2019 Evaluation Criteria				
A. Scored by Project Review Panel				
Criterion	***Category***	***Specific Measure (if applicable)***	***Scoring***	***Points (Max)***
1	**Level of Innovation and Uniqueness** (uniqueness of market geographic area, market population/demographics, project type)		1 - Does not reach new market or is continuation of existing service/project/campaign; very similar to past endeavors; serves a population comparable to those that have been served by past similar programs <range> 15 - Totally new (market/connections/project type) and unique, seed funding to test concept is critical; project reaches completely new area and/or serves/targets a new demographic; project is unlike anything tried in the region in the past	15
2	**Project Readiness**		1 - Sponsor just getting started, extensive additional coordination required (ie. right of way needs to be acquired, etc.) <range> 3 - Sponsor is ready to go and an experienced partner in TDM projects; coordination between agencies is strong; right of way has been acquired	3
3	**Timing/Synergy of Project**		1 - Benefits years out, undeveloped area, no link to roadway or transit project <range> 5 - Immediate benefits/link to major roadway/rapid transit project; project coincides with an immediate major construction project (traffic congestion) or opening of new rapid transit line/segment	5
4	**Motor Vehicle Trip and VMT Reduction Potential** (Based on attributes provided in application specific to infrastructure and to non-infrastructure projects)	Vehicle Trips, VMT	5 - Low 11 - Medium 22 - High **consider reliability and realism of attributes and assumptions used to reflect decreased VMT and improve air quality. Detailed calculation by applicant of trip & VMT reduction is optional.	22
5	**Transit Service Relationship**		1 - No relationship to transit <range> 10 - Direct promotion of transit through marketing, or subsidized transit fares OR infrastructure project directly serves and is proximate to transit. **Project directly promotes, incentivizes, or is located in proximity to transit.	10
6	**Funding Effectiveness Potential**	Project Cost/User Base	1 - Higher cost for smaller user base <range> 5 - Lower cost for larger user base **consider reliability and realism of assumptions used in the calculation of results	5
7	**Other Factors**		1 - Poor products, contract management, coordination, or project application form <range> 5 - Successful performance of Past Projects, clear/concise application, cooperation with Regional TDM Program	5
			TOTAL PROJECT REVIEW COMMITTEE	65
	B. Measured/Scored by DRCOG Staff:			**Max**
8	**User Base**	Population, Employment	1 - Smaller user base Thresholds based on all projects submitted 5 - Larger user base	5
9	**Environmental Justice Area**	EJ Population (Minority, Low-Income)	1 - Does not serve any EJ area Thresholds based on all projects submitted 5 - Entirely in EJ area	5
10	**Congestion Level in Project Area**	Vehicle Hours of Delay/Square Miles	1 - Low (<) Thresholds based on all projects submitted 10 - High (>)	10
11	**Serves DRCOG Designated Urban Centers (UCs)**	Urban Centers: Existing and Emerging Dataset	1 - No Urban Centers Thresholds based on all projects submitted 5 - Strongly serves/focused on established UCs	5
12	**Jurisdiction's TIP Metro Vision Points**		From TIP Policy Document	5
13	**Financial Partners**		0 - no other financial partners 2 - one additional financial partner 3 - if two+ partners (must be identified in application as funding match partners)	2
14	**Local Match**		0 - Any "in-kind" 3 - All cash	3
			TOTAL DRCOG STAFF REVIEW	35
			TOTAL PROJECT REVIEW COMMITTEE	65
			TOTAL	100

TRANSPORTATION DEMAND MANAGEMENT SET-ASIDE

FY 2018 and FY 2019

Presented by:
Emily Lindsey

October 18, 2017

TDM set-aside from FY 2018-2021 TIP

Set-Aside: **$2.08 million**

$800,000 small infrastructure projects	**$1,280,000** non-infrastructure projects

Minimum: **$80K**
Maximum: **$300K**

Additional funding potentially available: $211,000*

*the amount remaining is based on returns/savings from prior awards and may change; projects that returned funds were from the non-infrastructure category.

Project types



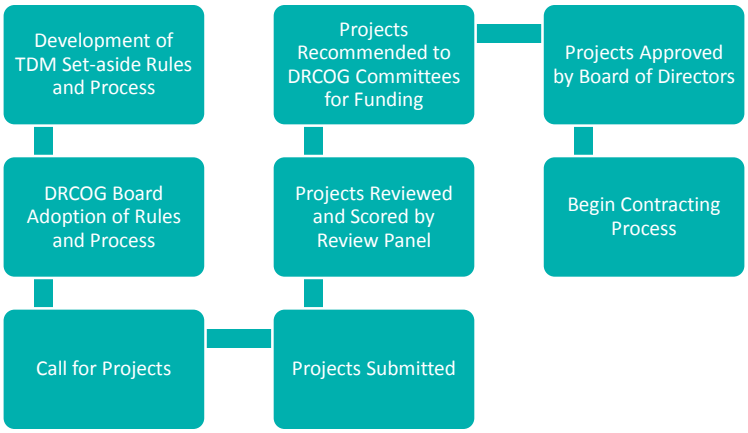
Infrastructure

- bicycle parking and supportive infrastructure
- bicycle and pedestrian travelways
- bikeshare: bicycles and stations
- wayfinding/signage

Non-infrastructure

- innovative projects
- education, marketing, and outreach
- transit fare programs
- new TMA startup funds

TDM set-aside selection process



Key changes from last round

- Rewritten to be consistent with **CMAQ rules** and **input from FHWA**
- Clarification that **incentives of any type are not eligible**
- Updated bicycle/pedestrian **travelway project funding guidelines** to be consistent with TDM Set-aside project maximum/minimums
- Removal of **transit-proximity requirement** for bicycle parking projects
- Clarification regarding **operating expense eligibility** by project type

Evaluation criteria

Based on last funding cycle selection process criteria

- 7 criteria to be evaluated by **project review panel**
  - Project review panel made up of **TDM experts** region-wide
  - **Non-applicants** only
- 7 criteria to be evaluated by DRCOG staff


QUESTIONS? COMMENTS?

ATTACH F

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Action	13

SUBJECT

This item concerns an appeal to the Board by TIP project sponsors for a variance to retain TIP-funded projects delayed for a second year per the adopted TIP Policy.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approving the variances associated with the delayed projects.

ACTION BY OTHERS

N/A

SUMMARY

The Board-adopted TIP Policy concerning second-year project delays (highlighted in Attachment 1) allows project sponsors with a phase(s) delayed for a second year to appeal to the Board for a variance to continue their project if it is still delayed after October 15.

Through conversations with project sponsor staff, and confirmed by RTD and CDOT staff, DRCOG is aware of the following three projects that had phases delayed last year for FY 2016 (first-year delay), and will continue to be delayed in FY 2017 for a second year after October 15, 2017. Each project sponsor has provided a letter expressing their desire to appeal to the Board and continue their project (Attachments 2, 3, and 4).

- Boulder County; Real-Time Transit Signal Project (TIP ID 1997-097) (TDM Pool)

  FY 2016 Delayed Phase: Construction. To not attain a second-year delay, the project would have needed to go to ad. Design plans, including specifications and costs, are being finalized and awaiting CDOT clearances with advertisement expected soon after. As of September 30, $258,000 in federal funds (the full DRCOG allocated amount) had not been requested for reimbursement and therefore would go back to DRCOG for reprogramming if a variance is not approved.

  DRCOG staff recommendation: Approval of a variance of 120 days (January 29) to allow the project to continue.

- Denver; Upgraded Traffic Signal Equipment for the Denver CBD (TIP ID 2016-004) (RTO Pool)

  FY 2016 Delayed Phase: Design. To not attain a second-year delay, the project would have needed to have an executed IGA and to initiate design (Notice to Proceed to consultant). Denver has been working towards these goals, with an executed IGA expected mid-October and NTP for design by mid-November. As of September 30, $1,029,000 in federal funds (the full DRCOG allocated amount in FY 2016 only) had not been requested for reimbursement and therefore would go back to DRCOG for reprogramming if a variance is not approved.

  DRCOG staff recommendation: Approval of a variance of 120 days (January 29) to allow the project to continue.

- Northglenn; 112th Ave Corridor Improvements (TIP ID 2012-079)

  FY 2016 Delayed Phases: Environmental and Design. To not attain a second-year delay, the project would have needed to initiate environmental and design, via Notice to Proceed to consultants. Northglenn is currently waiting for CDOT clearances, anticipated to be within the next month. As of September 30, $99,000 in federal funds (the full DRCOG allocated amount in FY 2016 only) had not been requested for reimbursement and therefore would go back to DRCOG for reprogramming if a variance is not approved.

  DRCOG staff recommendation: Approval of a variance of 120 days (January 29) to allow the project to continue.

Each project sponsor will be provided an opportunity at the October meeting to explain the reason(s) for the delay and the action plan going forward to initiate the project phase(s). Per adopted TIP policy, the Board has the following two options:

1. **Deny the appeal**. The sponsors will not receive any reimbursements on federal payment requests made to CDOT after September 30.
2. **Allow a variance**, if the Board believes good faith efforts and progress have been made by the sponsors to advance the delayed project phase(s). The sponsors may be granted an extension to initiate the delayed phase(s) of up to 120 days from October 1 (January 29, 2018). If the sponsor is unable to abide by the conditions of the Board variance, the sponsor shall stop all future federal reimbursement payment requests beyond September 30.

PREVIOUS DISCUSSIONS/ACTIONS

January 18, 2017 Board – Approval of FY 2016 first-year delays allowing these projects to continue.

PROPOSED MOTION

Move to approve a variance of 120 days to each sponsor's project.

ATTACHMENTS

1. FY16-21 TIP Policy: Project Delays Policy (second-year project delay language highlighted)
2. Appeal letter from Boulder County
3. Appeal letter from Denver
4. Appeal letter from Northglenn

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Acting Executive Director, at drex@drcog.org or 303 480-6747; or Todd Cottrell, Senior Transportation Planner, at tcottrell@drcog.org or 303 480-6737.

ATTACHMENT 1

FY16-21 TIP Policy: Project Delays Policy

Policy Concerning Second Year Delays Highlighted

Project Delays

Implementation of an entire project or single project phase (if project has federal funding in more than one year) may be delayed only one year by the project sponsor.

A delay occurs when a project phase, as identified during project submittal and contained within the TIP project descriptions, has not been initiated in the identified year. A project that has only one year of federal funding receives a delay if the project did not go to ad (construction projects), did not hold its kick-off meeting (studies), or didn't conduct similar project initiation activities (other types of projects) by the end of the federal fiscal year for which it was programmed. For projects that have more than one year of federal funding, each phase (year) will be reviewed to see if the objectives defined for that phase have been initiated.

DRCOG defines the initiation of a project phase in the following manner as of September 30 for the year with federal funding in the TIP that is being analyzed:

- **Design**: IGA executed with CDOT and if consultant – consultant contract executed and Notice To Proceed (NTP) issued; if no consultant – design scoping meeting held with CDOT project staff.
- **Environmental**: IGA executed with CDOT and if consultant – consultant contract executed and NTP issued; if no consultant – environmental scoping meeting held with CDOT project staff.
- **ROW**: IGA executed with CDOT and completion of ROW plans.
- **Construction**: Project advertised.
- **Study**: IGA executed (with CDOT or RTD) and kick-off meeting has been held.
- **Bus Service**: IGA executed with RTD and service has begun.
- **Equipment Purchase**: IGA executed and RFP/RFQ/RFB (bids) issued.
- **Other**: IGA executed and at least one invoice submitted to CDOT/RTD for work completed.

When a project phase encounters a delay (project phase being analyzed has not been initiated by September 30), DRCOG will list the reasons why the phase has not been initiated within its annual report. Sponsors must be available to appear before the Transportation Advisory Committee, Metro Vision Issues Committee, Regional Transportation Committee, and DRCOG Board to explain the reasons for the delay(s) and receive DRCOG Board approval to continue. Any conditions established by the Board in approving the delay become policy.

After a delay is encountered, DRCOG, along with the sponsor and CDOT or RTD, will discuss the project and the reasons for its delay. The end result will be an action plan enforceable by CDOT/RTD, which will be reported to the DRCOG committees and Board. For a sponsor that has a phase of any of its projects delayed, the sponsor must report the implementation status on all of its federally-funded projects.

If, in the following year, the sponsor fails to achieve initiation of the delayed phase by October 15th, OR has breached the Board conditions placed upon that delay, the project's federal funding will be automatically suspended. The sponsor may appeal at the next available Board meeting to explain

the reasons why the delayed phase has not been initiated. Upon hearing the appeal, the Board has the following options:

1. Deny the request. The sponsor shall stop all future reimbursement payment requests beyond September 30th.

2. Allow a variance, if the Board believes good faith efforts and progress has been made by the sponsor to advance the delayed project phase. The sponsor would be granted (on a case-by-case basis) an extension to initiate the delayed phase. If the sponsor is unable to abide by the conditions of the Board variance, the sponsor shall stop all future reimbursement payment requests beyond September 30th. The length of the extension shall be no greater than 120 days from October 1st.

If the sponsor decides not to appeal to the Board at its next available meeting, the sponsor must return all unspent federal funds allocated to the delayed project. In subsequent contracts with any sponsor that has experienced a deletion of a project due to such delay, RTD or CDOT may include a "termination for performance" clause.

Second-Year Delay Consequence

The following consequence will be faced by the sponsor whose project phase was not initiated by October 15st, and therefore experiences a second-year delay: reduce by 20 percent the maximum number of applications a sponsor may submit in the next TIP Call for Projects (rounded up). For example, if the sponsor was designated a maximum of 5 project applications per the adopted TIP policy, it would be reduced to 4.

ATTACHMENT 2

Transportation Department

2525 13th Street, Suite 203 • Boulder, Colorado 80304 • Tel: 303.441.3900 • Fax: 303.441.4594
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • **www.bouldercounty.org**

October 3, 2017

Board of Directors
Denver Regional Council of Governments
1290 Broadway, Suite 100
Denver, CO 80203

Re: DRCOG Project Delay – Boulder County Second Year Delay

Dear DRCOG Board:

The purpose of this letter is to formally appeal to the DRCOG Board regarding Boulder County's second-year delay for the Real-Time Transit Signage Project (PROJECT ID: AQC C070-081).

The complexity of the project and overlapping areas of telecommunications, electrical connectivity, custom fabrication and infrastructure at multiple project sites has added time to the intended project design process. In addition, Boulder County was working with RTD to determine issues and lessons learned from a similar transit signage project they recently conducted along US36 to determined best practices for the County signage project prior to implementation.

The project, including: project specifications and plan design set have been submitted to CDOT region 4 for review. Boulder County has a project FIR meeting with CDOT set for October 5th and is currently working with them to obtain necessary clearances. In short, the County is actively working on the project and is confident it can be advertised within the proposed 120-day extension.

Sincerely,

George Gerstle
Director – Transportation Department

cc: Jared Hall, Senior Transportation Planner
Scott McCarey, Multimodal Division Manager
Todd Cottrell, DRCOG
Katelyn Triggs, CDOT Region 4
Elise Jones, County Commissioner (DRCOG representative)

ATTACHMENT 3

City and County of Denver
Department of Public Works
Transportation and Mobility Department

Traffic Engineering Services
201 W. Colfax Avenue, Dept. 508
Denver, CO 80202
www.denvergov.org/PublicWorks

Board of Directors

Denver Regional Council of Governments

1290 Broadway, Suite 100

Denver, CO 80203

Re: DRCOG Project Delay – City and County of Denver Second Year Delay

Dear DRCOG Board:

The purpose of this letter is to formally appeal to the DRCOG Board regarding the City and County of Denver's second-year delay CDOT Project 21127 - DRCOG Funds for Upgraded Signal Equipment for the CBD.

The Central Business District (CBD) upgraded signal equipment project encompasses 152 signalized locations. Because multiple year projects (TSSIP 2016, 2017, and 2018) were concentrated in the downtown Denver area it was agreed with CDOT and DRCOG that it be combined into one project. Since we combined 3 large projects into one we have had to wait for the last year of funding to generate a contract. As the city was finalizing the Inter-Governmental Agreement (IGA) with CDOT an issue with the CMAQ reporting language with previous contracts was found as the result of an internal audit. There was extensive discussion around what the correct language should be pertaining to the CMAQ reporting language. The contract was received in mid-July and the city started the internal contracting process in August. It's in the council approval process currently and should have a signed contract by mid-October.

Denver is currently working on the project with internal resources. This includes right of way establishment, equipment reviews and an inventory of existing equipment. Multiple firms have been asked to provide proposals for the design phase of the project. It is anticipated that a firm will be selected by October 20th and have a Notice To Proceed (NTP) by the middle of November. In short, the City is actively working on the project and is confident that the IGA will be signed and the design phase NTP within the proposed 120-day extension.

Michael Finochio
Engineering Manager

ATTACHMENT 4

Planning and Development Department
11701 Community Center Drive
P.O. Box 330061
Northglenn, CO 80233-8061
Phone 303-450-8741
FAX 303-450-8793

September 29, 2017

Denver Regional Council of Governments
1290 Broadway, Suite 700
Denver, CO 80203

RE: Project Delay for the North Metro Rail Bicycle/Pedestrian Access to 112th Ave FasTracks Station, TIP ID #2012-079 ("TIP Project") – Request for 120 Day Extension

Dear DRCOG Board:

The purpose of the request is to appeal to the DRCOG Board regarding the City of Northglenn's TIP Project. The City has been diligently working with Colorado Department of Transportation Staff to receive the necessary approvals and clearances to commence the Environmental Assessment and Engineering Design. As of the date of this letter the City is still awaiting clearance to proceed. It is the City's understanding that said approvals and clearances are imminently forthcoming. The City is confident that all requirements will be satisfied within the 120-day extension.

Sincerely

Brook Svoboda
Director of Planning Development

CC: Jim Hayes, City Manager
David Willett, Public Works Director

ATTACH G

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Action	14

SUBJECT

DRCOG's transportation planning process allows for Board-approved amendments to the current Transportation Improvement Program (TIP), taking place on an as-needed basis. Typically, these amendments involve the addition or deletion of projects, or adjustments to existing projects and do not impact funding for other projects in the TIP.

PROPOSED ACTION/RECOMMENDATIONS

DRCOG staff recommends approval of the proposed amendments because they comply with the current Board-adopted TIP Amendment Procedures.

ACTION BY OTHERS

August 28, 2017 – TAC recommended approval.
October 17, 2017 – RTC will act on a recommendation

SUMMARY

The TIP projects to be amended are shown below and listed in Attachment 1. The proposed policy amendments to the *2018-2021 Transportation Improvement Program* have been found to conform with the State Implementation Plan for Air Quality.

Second Commitment in Principle

In July 2008, the DRCOG Board approved a "second commitment in principle" (SCIP) to FasTracks corridors, in which specific dollar amounts were identified for eleven corridors.

In August 2017, the Northwest Corridor partners submitted a request to distribute their remaining allocation of federal SCIP funding, $1,746,000, to go towards two new Quiet Zone projects (see Attachment 2) as part of the TIP amendments. (Note: Per the adopting resolution, "…*jointly-endorsed consensus requests may be submitted to DRCOG at any time and the Board of Directors, through the MPO process, will act on them as Policy Amendments to the then-adopted Transportation Improvement Program at its next scheduled opportunity*.").

- **2012-010** **DRCOG Second Commitment to FasTracks Pool**
  Funds will be removed from the pool to reflect the Northwest Corridor Partners' drawdown of their remaining allocated funds
- **New Project** **Broomfield Quiet Zones**
  A portion of the remaining SCIP funding allocated to the Northwest Corridor will be allocated to this new project, as agreed upon by the Northwest Corridor Partners

- **New Project** **Westminster Quiet Zones**
  A portion of the remaining SCIP funding allocated to the Northwest Corridor will be allocated to this new project as agreed upon by the Northeast Corridor Partners

RTD Amendments

The following three amendments to RTD projects are required by FTA to obligate partial or full FY 2017 funding by moving the funds into FY 2018. It should be noted RTD is not receiving any additional funding, it is just being moved into FY 2018 (and therefore the 2018-2021 TIP) to obligate previous TIP funding.

- **1997-084:** **RTD Preventative Maintenance: Transit Vehicle Overhaul and Maintenance**
- **1999-052:** **State of Good Repair**
- **2012-108:** **RTD Capital Improvements: Bus and Facilities Funding**

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to approve the attached amendments to the *2018-2021 Transportation Improvement Program* (TIP).

ATTACHMENTS

1. Proposed TIP amendments
2. Northwest Corridor Partners SCIP request letter (August 15, 2017)
3. Draft resolution

ADDITIONAL INFORMATION

If you need additional information Douglas W. Rex, Acting Executive Director, at 303 480-6747 or drex@drcog.org; or Todd Cottrell, Senior Transportation Planner, Transportation Planning and Operations at 303-480-6737 or tcottrell@drcog.org.

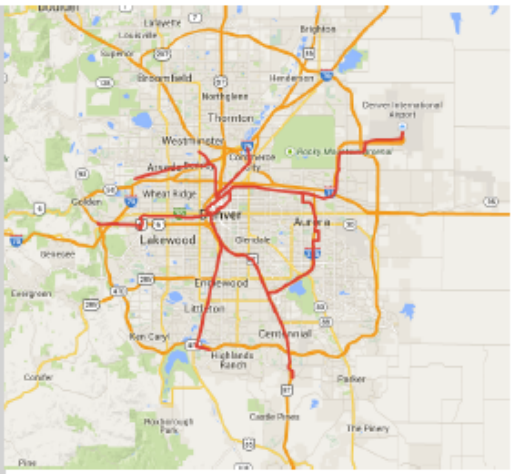
2012-010: Transfer funds to two new projects and update scope to reflect funding drawdown by Northwest Corridor Partners

Existing

Title: **DRCOG Second Commitment to FasTracks Pool**

Project Type: **Transit Operational Improvements**

TIP-ID: **2012-010** STIP-ID: Open to Public: Sponsor: **DRCOG**



Project Scope

Set aside to fund second commitment in principle to FasTracks corridors not yet allocated. Individual projects will be TIP'd upon approval of Policy Amendments per the process and requirements of DRCOG Resolution 20-2008 (July, 2008).

Corridor projects previously approved using second commitment funds include:
- West Corridor (TIP ID 2007-042)- July 2010, $7,422,000
- US-36 Corridor (TIP ID 2008-114)- Feb 2011, $2,755,000
- Denver Union Station (TIP ID 2007-057)- July 2010, $2,519,000
- East Corridor (TIP ID 2008-111)- Nov 2011, $13,350,000.
- Gold Corridor (TIP ID 2008-111)- May 2012, $6,461,000.
- Northwest Corridor (TIP ID 2007-050)- May 2012, $1,200,000, June 2016, $5,058,000.
- North Metro Corridor (TIP ID 2007-055)- May 2012, $7,451,000.
- I-225 Corridor (TIP ID 2007-056)- July 2012, $7,250,000.
- Southeast Corridor (TIP ID 2007-059) - July 2017, $1,928,000.

Remaining allocations include:
- Northwest Corridor $1,746,000
- Southwest Extension $2,089,000
- Central Corridor $771,000

Affected County(ies)
Regional

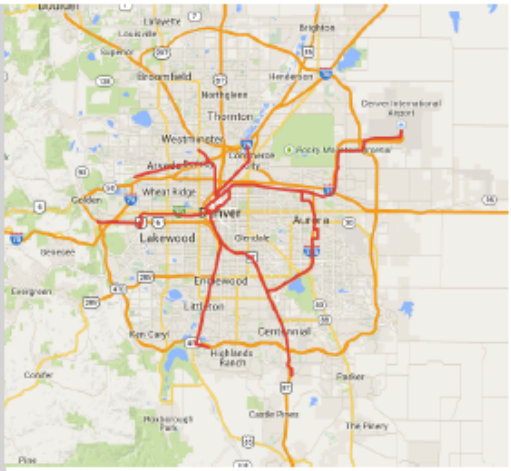
Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (CMAQ)		$2,145	$0	$0	$0		
Federal (STP-M)		$2,461	$0	$0	$0		
State		$0	$0	$0	$0		
Local		$1,152	$0	$0	$0		
Total	$0	$5,758	$0	$0	$0	$0	$5,758

Revised Scope and Funding Table

Title: **DRCOG Second Commitment to FasTracks Pool**

Project Type: **Transit Operational Improvements**

TIP-ID: **2012-010** STIP-ID: Open to Public: Sponsor: **DRCOG**



Project Scope

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- Gold Corridor (TIP ID 2008-111)- May 2012, $6,461,000.
- Northwest Corridor (TIP ID 2007-050)- May 2012, $1,200,000; June 2016, $5,058,000;
  September 2017, $1,746,000..
- North Metro Corridor (TIP ID 2007-055)- May 2012, $7,451,000.
- I-225 Corridor (TIP ID 2007-056)- July 2012, $7,250,000.
- Southeast Corridor (TIP ID 2007-059) - July 2017, $1,928,000.

Remaining allocations include:
- Southwest Extension $2,089,000
- Central Corridor $771,000

Affected County(ies)
Regional

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (CMAQ)		$2,145	$0	$0	$0		
Federal (STP-M)		$715	$0	$0	$0		
State		$0	$0	$0	$0		
Local		$715	$0	$0	$0		
Total	$0	$3,575	$0	$0	$0	$0	$3,575

New Project: Add new project funded with DRCOG SCIP funding as agreed upon by the Northwest Corridor partners

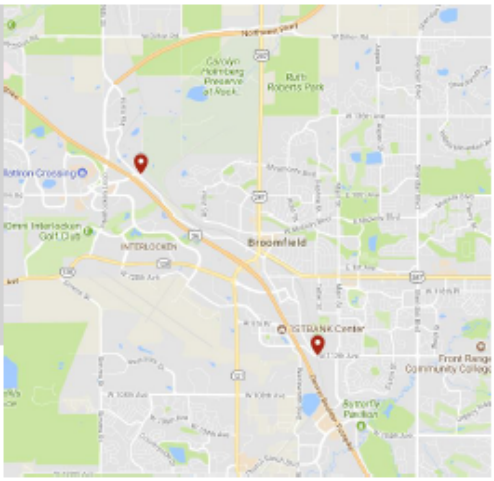
New Project

Title: **Broomfield Quiet Zones** Project Type: **Safety**

TIP-ID: **Request** STIP-ID: Open to Public: **2019** Sponsor: **Broomfield**

Project Scope

Design and construct supplemental safety measures to comply with Federal Railroad Administration requirements to make crossing locations quiet zone compliant. Improvements will be made at both Brainard Drive and 112th Ave where they intersect with the BNSF Railway.



Affected County(ies)
Broomfield

Project Phases	
Year	**Phase**
2018	Initiate Design
2019	Initiate Construction

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (STP-M)		$473	$473	$0	$0		
State		$0	$0	$0	$0		
Local		$118	$118	$0	$0		
Total	$0	$591	$591	$0	$0	$0	$1,182

New Project: Add new project funded with DRCOG SCIP funding as agreed upon by the Northwest Corridor partners

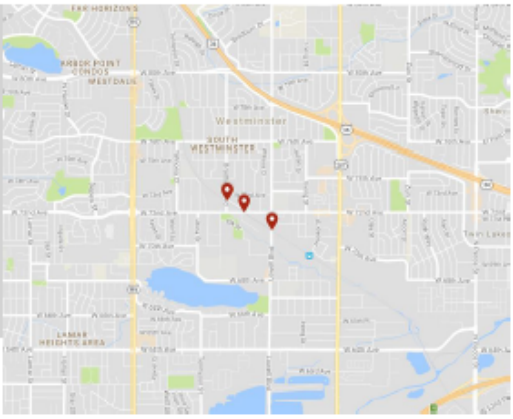
New Project

Title: **Westminster Quiet Zones** Project Type: **Safety**

TIP-ID: **Request** STIP-ID: Open to Public: **2019** Sponsor: **Westminster**

Project Scope

Design and construct supplemental safety measures to comply with Federal Railroad Administration requirements to make crossing locations quiet zone compliant. Improvements will be made at Lowell Blvd, W. 72nd Ave, and Bradburn Blvd where they intersect with the BNSF Railway.



Affected Municipality(ies)
Westminster

Affected County(ies)
Adams

Project Phases	
Year	**Phase**
2018	Initiate Design
2019	Initiate Construction

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (STP-M)		$400	$400	$0	$0		
State		$0	$0	$0	$0		
Local		$255	$400	$0	$0		
Total	$0	$655	$800	$0	$0	$0	$1,455

1997-084: Add funding from FY 2017 to obligate project funding

Existing

Title: **RTD Preventive Maintenance: Transit Vehicle Overhaul and Maintenance**

Project Type: **Transit Vehicles**

TIP-ID: **1997-084** STIP-ID: Open to Public: Sponsor: **R T D**

Project Scope

Ongoing program: Overhaul and maintenance for transit vehicles. A portion of these 5307 funds will be applied to capital cost of contracting. RTD has privatized service on fixed-routes and private carriers provide capital maintenance in addition to fixed-route bus service. In addition to routine capital maintenance, RTD will apply 5307 capital maintenance funds to bus fuel cost and utility cost for LRT vehicles as a result of the Federal Transit Administration expanded definition of allowable cost.

Affected County(ies)
Regional

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5307)		$56,810	$57,378	$57,952	$58,531		
State		$0	$0	$0	$0		
Local		$11,365	$11,475	$11,590	$11,706		
Total	$0	$68,175	$68,853	$69,542	$70,237	$0	$276,807

Revised Funding Table

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5307)		$116,220	$57,378	$57,952	$58,531		
State		$0	$0	$0	$0		
Local		$26,218	$11,475	$11,590	$11,706		
Total	$0	$142,438	$68,853	$69,542	$70,237	$0	$351,070

1999-052: Add funding from FY 2017 to obligate project funding

Existing

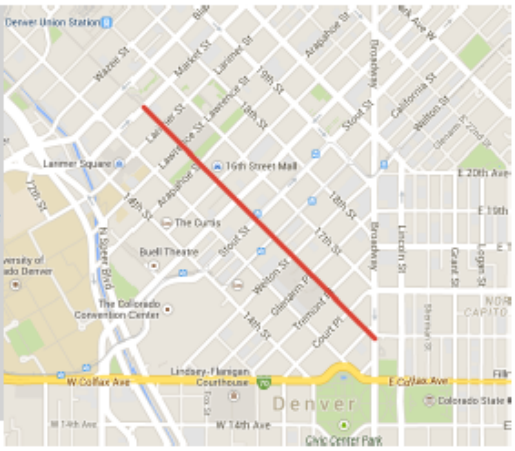
Title: **State of Good Repair**

Project Type: **Transit Operational Improvements**

TIP-ID: **1999-052** STIP-ID: **SST6740.010** Open to Public: Sponsor: **R T D**

Project Scope

Funds will be used for upgrades and maintenance of the 16th St Mall from Broadway to Market St. Funds will also be used for RTD's transfer facilities at each end of the 16th St Mall, and other fixed guideway assets. Funds will also go toward on-going maintenance of rail guideways, and preventative maintenance of the Fixed Guideway Rail and assets, including maintenance of the LRT Rolling stock and LRT maintenance support. Includes funds for State of Good Repair funding and high-intensity motor bus.



Affected Municipality(ies)	Affected County(ies)
Denver	Denver

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5337)		$11,000	$11,000	$11,000	$11,000		
State		$0	$0	$0	$0		
Local		$2,500	$2,500	$2,500	$2,500		
Total	$0	$13,500	$13,500	$13,500	$13,500	$0	$54,000

Revised Funding Table

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5337)		$17,225	$11,000	$11,000	$11,000		
State		$0	$0	$0	$0		
Local		$4,056	$2,500	$2,500	$2,500		
Total	$0	$21,281	$13,500	$13,500	$13,500	$0	$61,781

2012-108: Add funding from FY 2017 to obligate project funding

Existing

Title: **RTD Capital Improvements: Bus and Facilities Funding** Project Type: **Transit Vehicles**

TIP-ID: **2012-108** STIP-ID: Open to Public: Sponsor: **R T D**

Project Scope

Funds will be directed to capital improvements including the following:

1 - Civic Center Station infrastructure improvements including improvements to the building, access areas, boarding areas, shelters, and overall accessibility through reconfiguration of adjacent park area;

2 - Funds will also be used to purchase fuel efficient buses and vans equipped with ADA-compliant lifts.

Affected County(ies)
Regional

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5339)		$5,314	$5,367	$5,420	$5,475		
State		$0	$0	$0	$0		
Local		$1,063	$1,074	$1,085	$1,095		
Total	$0	$6,377	$6,441	$6,505	$6,570	$0	$25,893

Revised Funding Table

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal (5339)		$9,660	$5,367	$5,420	$5,475		
State		$0	$0	$0	$0		
Local		$2,150	$1,074	$1,085	$1,095		
Total	$0	$11,810	$6,441	$6,505	$6,570	$0	$31,326

ATTACHMENT 2

August 15, 2017

Board of Directors
Denver Regional Council of Governments
1290 Broadway, Suite 700
Denver, CO 80203-5606

Dear Board Members,

In 2016, the Northwest Corridor Partners reached consensus on the use of Transportation Improvement Funding (TIP) funding allocated per the Denver Regional of Council of Governments Resolution Number 20, of 2008 (FasTracks Second Commitment in Principle – SCIP – funding) for the Northwest Rail. The Northwest Partners include Longmont, Boulder County, City of Boulder, Louisville, Lafayette, Broomfield, Westminster, Adams County, RTD and CDOT. The Northwest Partners agreed SCIP funds should be used to implement Quiet Zones along the BNSF Railway alignment of the future Northwest Rail.

The Project Partner jurisdictions located in Boulder County requested their allocation of SCIP funding last year, and projects are now underway. Adams County, the City and County of Broomfield and the City of Westminster are now requesting the DRCOG Board approval of $1,746,000 to implement Quiet Zones along the BNSF Railway at Lowell Boulevard, W. 72nd Avenue, Bradburn Boulevard, 112th Avenue and Brainard Drive.

If you have any questions, please contact Debra Baskett, City of Westminster Senior Transportation and Mobility Planner at 303 658 2129. Thank you for your consideration of this request.

Sincerely,
The Project Partners

Eva J. Henry, Chair
Adams County Commissioner

Herb Atchison
Mayor, City of Westminster

Randal E. Ahrens
Mayor, City and County of Broomfield

Elise Jones

Christine Berg GUSTAVO REYNA PRO-TEM

Suzanne Jones
Mayor, City of Boulder

Robert P. Muckle
Mayor, City of Louisville

Dennis Combs
Mayor, City of Longmont

ATTACHMENT 2

David Genova
RTD General Manager and CEO

Paul Jesaitis
CDOT Region 1 Director

Johnny Olson
CDOT Region 4 Director

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS RESOLUTION NO._____ 2017

A RESOLUTION AMENDING THE 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for carrying out and maintaining the continuing comprehensive transportation planning process designed to prepare and adopt regional transportation plans and programs; and

WHEREAS, the urban transportation planning process in the Denver region is carried out through cooperative agreement between the Denver Regional Council of Governments, the Regional Transportation District, and the Colorado Department of Transportation; and

WHEREAS, a Transportation Improvement Program containing highway and transit improvements expected to be carried out in the period 2018-2021 was adopted by the Board of Directors on April 19, 2017; and

WHEREAS, it is necessary to amend the 2018-2021 Transportation Improvement Program; and

WHEREAS, the Regional Transportation Committee has recommended approval of the amendments.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments hereby amends the 2018-2021 Transportation Improvement Program.

BE IT FURTHER RESOLVED that the Denver Regional Council of Governments hereby determines that these amendments to the 2018-2021 Transportation Improvement Program conform to the State Implementation Plan for Air Quality.

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2017 at Denver, Colorado.

_____
Bob Roth, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

_____
Douglas W. Rex, Acting Executive Director

ATTACH H

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Information	15

SUBJECT

Briefing on CDOT's Fixing America's Surface Transportation (FAST Act) performance-based planning safety targets.

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

The FAST Act requires state DOTs and MPOs to annually set targets and report on progress towards achieving those targets for several topics in support of a performance-based approach to transportation planning and programming. These topics include safety, infrastructure (pavement and bridge condition), system performance, and transit asset management.

Safety is the first topic to be implemented, meaning CDOT and DRCOG must set targets and report on progress in achieving those targets for the following five measures:

- Number of fatalities
- Rate of fatalities
- Number of serious injuries
- Rate of serious injuries
- Number of combined non-motorized fatalities and serious injuries

It is important to note DRCOG has a long history of tracking and reporting on a plethora of performance measures through the MVRTP, Metro Vision, specialized reports, and other means. Regarding safety, DRCOG:

- regularly publishes a traffic crash report,
- will be updating its pedestrian and bicycle safety report as part of the Active Transportation Plan,
- works cooperatively with CDOT to annually geocode crash locations on off-system (non-state) roadways and provides complete crash data on its Regional Data Catalog and Denver Regional Visual Resources (DRVR) site; and
- will develop a regional Vision Zero Initiative as part of its FY 2018 and FY 2019 Unified Planning Work Program.

CDOT has set its 2018 safety targets; DRCOG has until February 2018 to set and report its 2018 safety targets.

At the October Board meeting, DRCOG staff will present on CDOT's safety targets and seek input to guide setting DRCOG's safety targets.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

1. Staff presentation

ADDITIONAL INFORMATION

If you need additional information Douglas W. Rex, Acting Executive Director, at 303 480-6747 or drex@drcog.org; or Jacob Riger, Transportation Planning Manager, at 303-480-6751 or jriger@drcog.org.

FAST Act
Safety Performance Measures &Targets

Presented by:
Jacob Riger, AICP
Transportation Planning and Operations

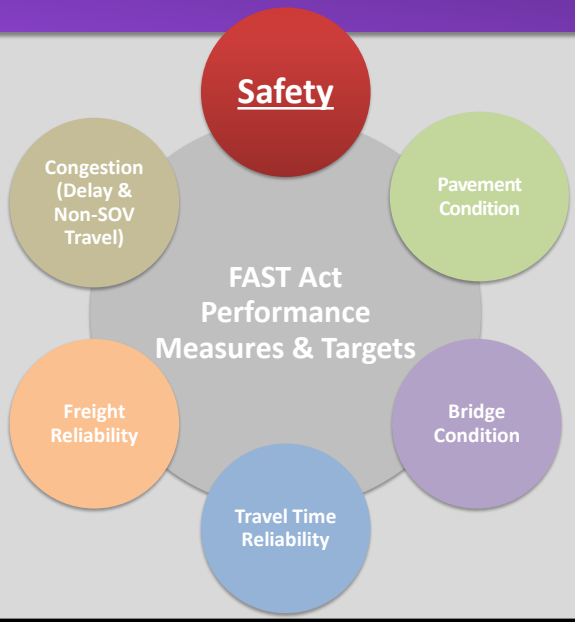
Board of Directors
October 18, 2017

Introduction – DRCOG Safety Activities

- Crash Report (education, awareness)
- Crash data analysis and visualization
- Bicycle/pedestrian safety analysis (Active Transportation Plan)
- Regional Vision Zero Initiative (2018-2019 UPWP)

FAST Act Requirements

Required Performance Measure Topics



Safety Measures Target Setting

Measure Area	Performance Measures
Safety	• Number of fatalities • Fatalities per million vehicle miles traveled • Number of serious injuries • Serious injuries per million vehicle miles traveled • Number of non-motorized fatalities and non-motorized serious injuries

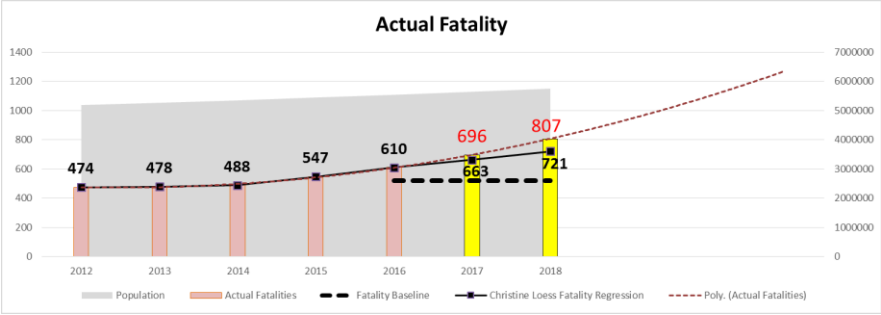
Process Requirements – Safety Targets

- CDOT 2018 Targets: Set August 2017
- DRCOG 2018 Targets: Due by February 27, 2018
- 2018 Target: 2014-2018 five year average
  - 2019 Target: 2015-2019 five year average
- DRCOG reports to CDOT; CDOT reports to FHWA
  - 2019: Report results for 2018 targets
  - 2020: FHWA assessment response

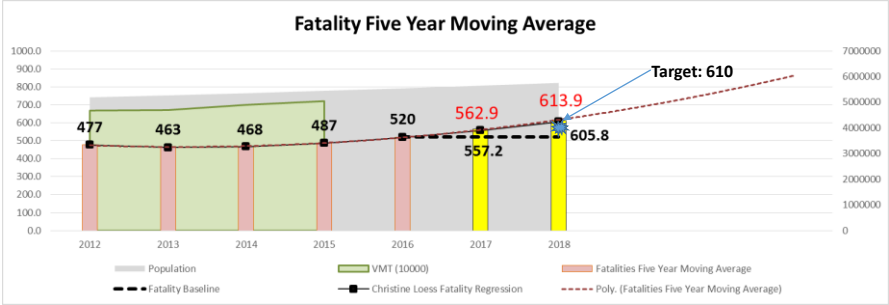
CDOT 2018 Safety Targets

- Fatalities: 610
- Fatality Rate: 1.2 (per 100 million VMT)
- Serious Injuries: 3,350
- Serious Injury Rate: 6.79 (per 100 million VMT)
- Non-motorized Fatalities & Serious Injuries: 586

CDOT Statistical Analysis



CDOT Statistical Analysis



DRCOG Safety Targets – Potential Approaches

Setting Targets

- Support CDOT targets
- Set our own targets (recommend)

Calculating Targets

- Several mathematical/policy approaches

Metro Vision Safety Performance Measure

- Less than 100 fatalities by 2040


THANK YOU

ATTACH I

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Acting Executive Director
303 480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
October 18, 2017	Informational	17

SUBJECT

October administrative modifications to the *2018-2021 Transportation Improvement Program*.

PROPOSED ACTION/RECOMMENDATIONS

No action requested. This item is for information.

ACTION BY OTHERS

N/A

SUMMARY

Per the DRCOG Board-adopted *Policy on Transportation Improvement Program (TIP) Preparation*, administrative modifications to the 2018-2021 TIP are reviewed and processed by staff. Administrative modifications represent revisions to TIP projects that do not require formal action by the DRCOG Board.

Once processed, the projects are posted on the DRCOG 2018-2021 TIP web page and emailed to the TIP Notification List, which includes members of the Regional Transportation Committee, the Transportation Advisory Committee, TIP project sponsors, staff of various federal and state agencies, and other interested parties.

The October 2017 administrative modifications are listed and described in the attachment. Highlighted items in the attachment depict project revisions.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

1. 2018-2021 TIP Administrative Modifications (October 2017)

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Acting Executive Director, at (303) 480-6747 or drex@drcog.org; or Todd Cottrell, Senior Transportation Planner, at (303) 480-6737 or tcottrell@drcog.org.

ATTACHMENT 1

To: TIP Notification List

From: Douglas W. Rex, Director, Transportation Planning & Operations

Subject: **October 2017 Administrative Modifications to the *2018-2021 Transportation Improvement Program***

Date: October 18, 2017

SUMMARY

- Per the *Policy on Transportation Improvement Program (TIP) Preparation* covering the 2018-2021 TIP, administrative modifications are reviewed and processed by staff. They are emailed to the TIP Notification List, and posted on the DRCOG 2018-2021 TIP web page.
- The TIP Notification List includes the members of the DRCOG Regional Transportation Committee and Transportation Advisory Committee, TIP project sponsors, staffs of various federal and state agencies, and other interested parties. The notification via email is sent when Administrative Modifications have been made to the 2018-2021 TIP. If you wish to be removed from the TIP Notification List, please contact Mark Northrop at (303) 480-6771 or via e-mail at mnorthrop@drcog.org.
- Administrative Modifications represent minor changes to TIP projects not defined as "regionally significant changes" for air quality conformity findings, or per CDOT definition.
- Projects included through this set of Administrative Modifications are listed below. The attached describes the modifications.

PROJECTS TO BE MODIFIED

- **2016-057:** **Region 1 RPP Pool**
  - Add one pool project and remove another

- **New Project:** **R1 Permanent Water Quality Pool**
  - New project; add one new pool project

2016-057: Remove one pool project, "Montgomery Settlement", and add one pool project, "I-70 System-Level Traffic Study".

Existing

Title: **Region 1 RPP Pool** Project Type: **Other**

TIP-ID: **2016-057** STIP-ID: Open to Public: Sponsor: **CDOT Region 1**

Project Scope

CDOT Region 1 RPP Pool. Funds projects with RPP funds.

Affected County(ies)
Adams
Arapahoe
Broomfield
Denver
Douglas
Jefferson

All pool project funding depicts federal and/or state funding only.

Facility Name	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)
Small projects/consultants/closeouts		$15,000	120th Ave Connection	Broomfield TIP ID 2007-029	$1,400	I-25 N	Post-PEL	$2,000
Montgomery settlement		$200	I-70	PPSL	$4,000	Regionwide ADA Ramps (Preconstruction)		$3,000
I-70	Tower to Colfax	$2,600	C470	Study	$1,000	Brighton Blvd/42nd Culvert		$2,500
C470 West	PEL	$2,100	I-270	Interchange Study (TIP ID 2016-047)	$1,000	I-25 near Orchard	Emergency repairs	$400

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal		$0	$0	$0	$0		
State (R P P)		$7,800	$13,300	$16,800	$16,800		
Local		$0	$0	$0	$0		
Total	$0	$7,800	$13,300	$16,800	$16,800	$0	$54,700

Revised

Facility Name	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)
Small projects/consultants/closeouts		$15,000	I-70	PPSL	$4,000	Regionwide ADA Ramps (Preconstruction)		$3,000
I-70	Tower to Colfax	$2,600	C470	Study	$1,000	Brighton Blvd/42nd Culvert		$2,500
C470 West	PEL	$2,100	I-270	Interchange Study (TIP ID 2016-047)	$1,000	I-25 near Orchard	Emergency repairs	$400
120th Ave Connection	Broomfield TIP ID 2007-029	$1,400	I-25 N	Post-PEL	$2,000	I-70 System-Level Traffic Study	E-470 to Strasburg	$500

New Project: Create a new project and add one new pool project

New Project

Title: **R1 Permanent Water Quality Pool** Project Type: **Other Enhancement Projects**

TIP-ID: **Request** STIP-ID: Open to Public: Sponsor: **CDOT Region 1**

Project Scope

CDOT R1 pool for permanent water quality projects.

Affected County(ies)
Adams
Arapahoe
Broomfield
Denver
Douglas
Jefferson

All pool project funding depicts federal and/or state funding only.

Facility Name	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)
Engineer's Lake Trailhead	74th Ave adjacent to the South Platte River	$99						

Amounts in $1,000s	Prior Funding	FY18	FY19	FY20	FY21	Future Funding	Total Funding
Federal		$0	$0	$0	$0		
State (Water Qlty)		$99	$0	$0	$0		
Local		$100	$0	$0	$0		
Total	$0	$199	$0	$0	$0	$0	$199

ATTACH J

READY, SET, GOTOBER: 52 COMPANIES ACCEPT COMMUTING CHALLENGE

Employees across the metro region challenge one another to try a new commute during October

October 02, 2017

Denver, Oct. 02, 2017 (GLOBE NEWSWIRE) -- The third annual "Go-Tober Challenge" launched yesterday in the Denver metro area, challenging organizations to motivate as many employees as possible to ditch driving alone at least once a week in October. Employees can carpool, telework, vanpool, bike, walk, or bus their way to prizes and annual bragging rights.

Go-Tober is presented by Way to Go, a regional partnership between the Denver Regional Council of Governments (DRCOG) and a group of seven Transportation Management Associations (TMAs) that are dedicated to transforming the way people get around. Go-Tober works directly with employers to introduce new commute options to those who normally drive alone. Ultimately, Go-Tober is designed to inspire lasting changes in commuting behavior to reduce traffic congestion and improve air quality.

“Go-Tober brings friendly competition into what’s truly a collaborative effort of reducing traffic congestion and emissions one commuter at a time - we all play a part in making our region a great place to live. It’s a win for everyone,” said Steve Erickson, director of marketing and communications for DRCOG.

Employees of participating companies must register on WayToGoTober.org and log at least four smart commute round trips during October. Companies earn points for each one-way trip taken and tracked.

Companies of all sizes are categorized by the Regional Transportation District’s (RTD) Service Level Areas, with an effort index applied to equal the playing field between small and large companies. Commuting champions will be announced the first week in November. View a full list of participating companies at waytogotober.org.

Rossonian Hotel changes hands again as Five Points neighborhood changes up

Neighborhood isn't waiting around for revival of cultural gem that hosted famous black jazz musicians when other hotels wouldn't.

BY DANIKA WORTHINGTON | The Denver Post

September 13, 2017

The Rossonian Hotel is the bellwether of historic Five Points, reflecting the neighborhood through booming successes and a devastating migration from it.

Many developers have been enticed by the historically black neighborhood's crowning jewel. Ink on the historic building's deed is still fresh as ownership switched hands again last month.

People think redevelopment plans will work this time. But they said that about former attempts, too.

And as the Rossonian changes, it watches over a neighborhood that's starting to perk up again as new businesses open, housing is built and talk of revitalization — or gentrification — makes its way down Welton Street.

Longtime Five Points developer Carl Bourgeois in August sold the hotel to Palisade Partners for $6 million, 650 percent higher than the $800,000 he gave the city for it in 2006. Denver had foreclosed on the hotel after an owner who borrowed $1.12 million from the city to renovate in 1993 failed to find tenants and could not make ends meet.

Palisade also bought two of three other parcels in the 2600 block of Welton for $1.7 million. It's eyeing the last parcel.

How the project shapes up depends on whether the last lot is bought, Palisade development manager Tim Welland said. With the purchase, the block will become a mixed-use development. Without it, the developer is considering turning the Rossonian into a boutique hotel, a jazz club, or office and retail space.

Bourgeois, who did not return a phone call or emails requesting an interview, will be involved with the project, Welland said.

Palisade isn't a newcomer to the neighborhood. It first started talking about the Rossonian in 2013. A year later, it built the Wheatley, an apartment-and-townhome complex fronting 25th Street at Welton. Palisade is currently building the Lydian, a mixed-used building in the 2500 block of Welton. The

company also is working with Bourgeois' Civil Technologies to build the Brownstones at King Stroud Court on Washington Street and East 24th Avenue.

Despite Palisade's experience in the neighborhood, the Rossonian project will mark the first time the company will be renovating a historic building — let alone one that is listed on the National Register of Historic Places. But the company did its due diligence, bringing in a contractor, an architect and a structural engineer to look at the property prior to buying, Welland said.

The Rossonian is far from the only building going through a change. Several apartments, most market-rate, are going up on the southern end of the Welton corridor, while small businesses and restaurants are popping up along the street.

The neighborhood population has nearly doubled in size over the past 15 years, growing to 14,768 people in 2015 from 8,775 in 2000, according to data provided by the Denver Regional Council of Governments. It's still not close to the nearly 32,000 people living in Five Points during the 1950s.

Five Points was a city in itself in its heyday, and from the 1920s through the 1950s, the Rossonian boomed right along with the neighborhood. At the time, black performers were not allowed to stay at the white hotels where they performed. The Rossonian put them up, and the musicians played in its lounge between their scheduled gigs. It became a mecca for jazz greats, hosting the likes of Duke Ellington, Louis Armstrong, Billie Holiday and Dinah Washington.

But with the passing of Colorado's Fair Housing Act in 1959, which outlawed racial discrimination in home sales, the neighborhood lost its residents to the suburbs, sending it into a downward spiral that it has yet to fully escape.

"Nobody was going to move in after African-Americans," Five Points Business District president Tracy Winchester said. "If it's not African-Americans, who's going to move in? It deteriorated."

Despite all the false starts with the Rossonian — Denver Union Station redevelopment partner Sage Hospitality, Five Points Plaza developer Tom Yates and Denver's first black city councilman, Elvin Caldwell, are among those who either owned or looked into reviving the building — Winchester said she thinks it'll work this time.

The difference? Palisade. The company has already proven itself in the neighborhood and is walking in with eyes wide open, she said. And the company has a good relationship with Bourgeois. It helps that the developer was one of the few who kick-started the neighborhood in Winchester's eyes.

Moving down Welton, Winchester pointed out new businesses — some as fresh as six weeks — sitting alongside legacy stores that have held their spots for 30-50 years. The shuttered buildings weren't as downtrodden as they appeared, she said. Most are earmarked for renovation or development with plans already underway, she said.

People regularly knock on Winchester's door, looking for property to buy along Welton, she said.There's nothing left to grab, she tells them.

"This just didn't come about organically. 'Oh, it'll come on its own,'" she said, recounting what others have said. "No, we had a plan."

Part of the plan involved city grants, including the Welton Design/Development awards from the Office of Economic Development. The Rossonian and Palisade were awarded the most money — $150,000 and $100,000, respectively. Although the funds were earmarked, the Rossonian never went through with its project.

But that wasn't Winchester's concern.

"I can't wait for the Rossonian. I can't. I got to go and get other development along the way," she said. She took over the business district's reins in 2010. "Everybody wants to bring back the Rossonian because it's reminiscent of the glory days."

But a Rossonian island does no good, she said.

Some businesses — including Coffee at the Point, the cafe in the ground floor of a mixed-use building that includes condos — started the crawl toward redevelopment.

But what really spurred the change, she said, was a combo punch. Palisade developed the Wheatley and immediately had the Lydian on deck, catching the attention of other developers. Then, Rosenberg's Bagels, another grant recipient, opened in 2014, bringing people from across the city into the neighborhood.

It also helped that millennials and baby boomers want to live in or near the urban core, Winchester said, noting that Five Points is on the edge of downtown, linked by the light rail.

Despite all the changes, Winchester said 50 to 60 percent of the commercial property along the Welton historic corridor — which stretches between 24th and 30th streets — is owned by black people, many of whom inherited it from their parents.

“There will always be an African-American presence because as long as they own the land, they can be assured of having their culture intact,” she said.

Franklin Stiger Afro Styling has been in Five Points since 1980. Franklin and Maedella Stiger have seen Five Points change. Maedella Stiger said the Rossonian is more than just a building, it’s something to fight for. It’s a reminder of what the neighborhood was.

“I call that the crown jewel of Five Points. Back in the days, way back in the ’20s and ’30s, this was the only area that blacks could move in,” she said. “It was family to everybody. Everybody took care of everybody. We didn’t need outsiders to take care of us.”

She described a Five Points with packed streets, reminiscent of the Las Vegas Strip. People spent all day hanging out at the heart of the neighborhood where Welton, Washington, 27th and 26th collide, giving the area its name. It was also the spot of a beloved pig-ear sandwich stand, which has disappeared.

There were businesses all over the place, ranging from barber shops and laundromats to nightclubs and a pool hall. There was no need to leave the neighborhood — everything was right there, she said. That meant the money also stayed in the area, Franklin Stiger said.

The new businesses coming in aren’t like the ones that used to make up the street, Maedella Stiger said, noting that Five Points never had a bagel shop before.

“The difference between now and then, you had music playing daily down the street,” she said. “Now, everything is quiet.”

She looked at the changes like a generation gap. Kids, understandably, don’t always want to follow their parent’s careers, she said.

Franklin Stiger noted that there are more white and wealthier people around. As more money comes into the neighborhood, some people can’t afford to live where they grew up, Maedella Stiger said.

“With the new generation coming in, I’m gonna be honest: I don’t think it’ll go back to what it used to be,” Maedella Stiger said.

Winchester acknowledged that people are worried about gentrification. For her, the goal is a neighborhood open to people of many income levels and generations.

To do that, the neighborhood is working to attract affordable housing. Some of the developments going up now or recently finished include a designated number of apartments affordable for low-income renters. Additionally, the city and Regional Transportation District are searching for developers to build

affordable condos on a parking lot at 29th and Welton. The Denver Housing Authority also has subsidized housing in or near Five Points.

The city has pushed lots of dollars into Five Points over the years in an attempt to rebuild the neighborhood, but there's a focus on not pushing out the existing residents, Office of Economic Development chief economist Jeff Romine said.

"It's a careful balance," he said. "There's no formula for it, but you kind of have to work through it. We want to make sure the residents that made the neighborhood strong are able to stay."

Five Points Business District last year became an official business improvement district, or BID. With that, Winchester is working to beautify the area, bringing in better lights, benches, landscaping, trash cans and more. She's pushing for the extension of the Central light rail line beyond its terminus at 30th and Downing streets, potentially bringing in more foot traffic.

But part of the project is keeping the neighborhood's history intact, she said. That means updating historical murals and adding in plaques that explain the area's history. It also helps that many of the buildings along the Welton corridor are considered historic and can't be torn down.

"Gentrification erases," she said. "The loss of history, the loss of knowledge, that happens."

And as the streets and businesses begin to fill again, the Rossonian stands, watching its neighborhood go through renovations as it waits for its own construction crews to knock on the door.

Are most renters looking to move out of the metro area?

SHANNA GROVE I KUSA

September 12, 2017

THE QUESTION

A hot topic among Denverites is the growth of our city, but a recent study found 67 percent of Denver metro renters are looking to move out of town.

9NEWS decided to verify if most renters are looking to move out of the metro area.

WHAT THE STUDY CLAIMS

The fact that people from all around the country are looking to relocate to the Denver metro is not a surprise. But a recent Apartment List study states the majority of renters currently in the city are looking to settle down somewhere else.

The study examined an annual survey of about 24,000 renters, including around 400 people from the Denver area. Nationwide about two-thirds of respondents were millennials.

Of the 67 percent of Denver metro renters the study cited as planning on settling down in a different city, affordability was the primary reason listed for moving at 48 percent, followed by better job opportunities at 22 percent and commute at 6 percent.

Affordability concerns were highest in costly coastal cities. However, Denver was among the smaller list of inland metros that have also seen rapidly rising rents.

Nationwide, the study found 64 percent of renters plan to settle down in a different metro. The primary reasons listed were job opportunities at 34 percent, affordability at 30 percent and safety and crime at 8 percent of renters surveyed. Commute and weather were the main reason for moving at 7 percent each.

The study also looked at where the Apartment List users currently in the Denver area were searching for apartments. Most people were looking to stay in Colorado, specifically Fort Collins, followed by Boulder, Greeley and Colorado Springs. A smaller number of people were looking to move outside the state mainly to Chicago, Dallas and Phoenix.

Sydney Bennet, an Apartment List Research Associate, said Dallas and Phoenix have a more appealing affordability, whereas Chicago offers excitement and job opportunities. However, she added the

number of people looking to move from the Denver metro for jobs is lower than the national average found in the study.

“If Denver stays on the track it is now, I think you’ll keep attracting young renters because of the job market and the entertainment scene,” Bennet said. “I do think you will see people maybe in their 30s and 40s moving to be able to buy a home somewhere else, but new people in their 20s coming to Denver.”

She said having more affordable starter homes on the market is key for people looking to stay for the long-run in order to ease the transition from being a renter to a homeowner.

However, Bennet does not think people’s relocation to the Denver metro is going away.

“It definitely seems like these renters are being replaced,” Bennet said. “I would expect as the job market stays strong you should kind of see that happening.”

The study cited Denver as the top pick for renters coming from Austin, Dallas and Houston. The city is also popular with renters in the Southwest, Mountain and West Coast regions of the United States.

WHAT WE FOUND

The 9NEWS Verify team reached out to the Denver Regional Council of Governments, an organization that fosters collaboration between local governments, to compare the study findings to other research and analysis.

Daniel Jerrett, DRCOG’s chief economist, looked into the study and called into question its sampling method, which exclusively utilized renters who had used Apartment List. He said this could potentially overstate the amount of people looking to move.

“You have 24,000 people who have kind of implicitly admitted that they are already looking to move,” Jerrett said. “So if you were then to abstract that back out to the overall renting population of the Denver region, I guess the question we have to ask: is this really a fair representation, or is this sample somewhat biased to a group of people?”

He said if the people surveyed were random and did not have a relationship to Apartment List, it would be closer to a representative sample of the region, which would be more accurate to generalize to the broader group.

The fact that the renter survey data does not specify the timeframe in which people are looking to move was another concern. Jerrett said that information would provide more clarity in terms of people's actual situation and how current the responses were.

However, he did find certain aspects of the study valid.

"48 percent identifying affordability as a concern, I think that's legitimate," Jerrett said. "We've all experienced the growth in population and employment in Denver in the past five to six years, and we continue to have a lot of migration."

Jerrett cited research that the Denver MSA is the 8th greatest in terms of job growth and 2nd in terms of earnings growth in the last five years, which he said does not contradict the study. It is also important to note between 2010 and 2016, for people in lower income groups seeking affordable rentals, rents increased almost 32 percent while wages increased only 5.6 percent.

He also pointed out many recently added units are high-end luxury rentals that low-wage earners cannot afford. Vacancy rates for low-end units are at an almost record low.

Jerrett noted recent movers in the Denver area are more likely to be millennials than in the rest of the country. Since most respondents were millennials, they are likely more mobile than families or more established professionals. But he does not think the data is conclusive yet on whether there is a real trend of millennials only coming for a few years.

He said if the city is losing people because of affordability or jobs, they are being replaced.

"It's not a one-to-one ratio. We still have positive net migration, which means we are bringing in more people."

When it comes to the other cities where renters are looking to move, Jerrett said there is no data to support people merely searching a website necessarily translating into renters moving to a new location.

BOTTOM LINE:

Although it is true some renters are leaving the Denver metro due to affordability, the methodology behind this particular study might have generated bias due to the makeup of the sample population.

Additionally, while some renters are leaving the Denver area, most are looking to relocate to other Colorado cities.

Pedestrian bridge project aims to improve campus connectivity

Colorado.edu

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A planned 19th Street bridge and pathway figures to play a key role in CU Boulder's efforts to improve connectivity between Main Campus and the area north of Boulder Creek, which includes student housing for about 1,700 freshman, upperclass and graduate students.

The CU Board of Regents on Thursday, Sept. 7, approved the $6 million 19th Street bridge and pathway project as part of the consent agenda at its regular meeting. The Denver Regional Council of Governments (DRCOG) will cover 80 percent of the project cost, about $4.8 million, using federal Transportation Improvement Project funds. Campus will fund the other 20 percent, or $1.2 million.

Construction is slated to begin in fall 2018, with completion planned in time for the fall 2020 semester.

The project is part of CU Boulder's post-2013 flood mitigation measures to address damaged and aging bridges along Boulder Creek. The 2013 flood wiped out a former bridge at 19th Street.

Final designs for the new 19th Street bridge and path are still being completed. But the plan is for the new bridge to lead to a pedestrian and cyclist path to Main Campus that meets Americans with Disabilities Act standards. The path is expected to gradually climb the steep slope along the north side of the Student Recreation Center. The ADA-compliant connection will complement the ADA route from Folsom Street to the Buffwalk (via elevators in the Indoor Practice Facility) that was created with the completion of the Athletics facilities upgrades.

"Aging infrastructure and damage from the 2013 flood has made improving connectivity across Boulder Creek a priority for our campus," said David Kang, vice chancellor for infrastructure and safety. "The 19th Street bridge project and others will promote sustainable transportation methods and improve accessibility on our campus for decades to come."

A new 23rd Street bridge, another project approved by the regents earlier this year that fits into the holistic approach to connectivity across Boulder Creek, remains in the design phase but will create another new bridge and connection from the area north of Boulder Creek to the Buffwalk, a major pedestrian thoroughfare. CU Boulder is working on obtaining final approval of funding from the Federal Emergency Management Agency that would cover a majority of that project's $4 million price tag.

The 19th Street and 23rd Street bridges and their respective paths are designed to replace the 21st Street bridge, which is the only one that still provides a direct pedestrian connection to Main Campus following the 2013 flood and the ensuing Athletics facilities project.

East Campus, meanwhile, is also set to get a new central cross-creek connection. Construction is slated to begin this fall on a pedestrian bridge that will link the area just north of Prentup Field to the south end of Parking Lot 560, which serves the Administrative and Research Center (ARCE) and several other buildings north of the creek. That bridge is marked for completion in summer of 2018.