



# TRANSPORTATION NEWSLETTER

**DATE: September 2022**

**Vince Rogalski, Chairman**

**Gunnison Valley TPR**

**[vrogal@montrose.net](mailto:vrogal@montrose.net)**

## **Potential bills which may come up this legislative session**

**Legislative Report - Herman Stockinger, Andy Karsian, Jamie Grim, CDOT Office of Policy and Government Relations (OPGR).**

- **Transportation Legislative Review Committee (TLRC) met in August and discussed a total of 10 noted bills, including the following:**
- **A Bill looking to increase funding (about \$5 Million) for Rest Stops.**
- **Additional funding for off-system (non-CDOT) bridges (\$5 Million but not yet verified)..**
- **A bill to allow the state to use rest stops and state right of ways for EV charging.**
- **A bill to add stationary vehicles (not just emergency vehicles) on shoulders to the move-over law.**
- **Another Bill to clarify the traffic safety process of yielding to larger commercial vehicles at roundabouts.**
- **A bill from Bicycle Colorado deals with Automated Vehicle ID System usage and is seeking additional enforcement to protect cyclists.**
- **The TLRC will be meeting in September to discuss these bills.**
- **CDOT is also considering a proposed Bill that will add transit agencies as voting members to TPRs (Regional Planning Commissions). STAC discussion sought clarification on members who represent both local government and Transit Agencies, and/or a geographic political entity.**

**This last item is something we've talked about for a number of years. Clarification of this issue will help.**

## **10 Year Plan**

**At the Transportation Commission Meeting Resolution #12 was approved.**

### **Proposed Resolution #12**

**Instructing the Colorado Department of Transportation (CDOT) to dedicate new state strategic revenue received through Senate Bill 21-260, and new federal strategic revenue received through the Infrastructure Investment and Jobs Act towards the approved 10-Year plan project list attached.**

**Approved by the Transportation Commission on September 15, 2022**

**WHEREAS, the Colorado Senate Bill 21-260 provides new, long-term and stable transportation funding to Colorado for the first time since the passage of FASTER in 2009; and**

**WHEREAS, the federal Infrastructure Investment and Jobs Act was enacted in November 2021 and includes additional funding for surface transportation over a five-year period; and**

**WHEREAS, the Commission adopted a four year priority list of transportation projects for fiscal years 2020-2022 in November of 2019; and**

**WHEREAS, the Department has made significant progress in delivering the aforementioned list of priority projects for fiscal years 2020-2022 and has, as of the date of this resolution, \$380 million in project needs remaining to complete the fourth year of the original four-year project list; and**

**WHEREAS, SB21-260 requires the Department to update it's 10 Year Plan to be in compliance with the GHG Pollution Standard Rule; and**

**WHEREAS, CDOT has demonstrated that the updated Plan complies with the GHG Pollution Standard and the Commission has approved this compliance via its adoption of the September 2022 GHG Transportation Report; and**

**WHEREAS, CDOT has worked closely with its planning partners to update the 10-Year Plan and identify the next four year priority list for fiscal years 2023-2026 based on forecasted strategic funding from the aforementioned state, federal, and other sources in the amount of \$325 million per year on average over the next four years; and**

**WHEREAS, in conducting this update, CDOT staff ensured consistency with the Colorado Transportation Commission directed targets for regional equity, with 10% allocated off the top to transit as a minimum, 50% of the remaining capital investment prioritized to elements of surface treatment and bridge asset management, and 25% targeted to rural paving program investments for the areas of the state with sufficient rural road mileage to participate in the rural paving program; and**

**WHEREAS, the Colorado Transportation Commission recognizes the funding for the 10-Year Plan projects represent planning level estimates and must be delivered in accordance with policy directive 703.0 "Annual Budget, Project Budgeting and Cash Management Principles"; and**

**NOW THEREFORE BE IT RESOLVED, the Colorado Transportation Commission approves the updated 10-Year Plan which includes full delivery of the FY19-22 project list and a new set of priority projects for FY23-26 as listed in the project tables attached to this resolution.**

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**Herman Stockinger, Secretary Date  
Transportation Commission**

## **Wildlife Mitigation Fund**

**TO: Transportation Commission**

**CC: Shoshana Lew, CDOT Executive Director Herman Stockinger, Deputy Executive Director, Sally Chafee, Chief of Staff**

**FROM: Tony Cady, Region 5 Planning & Environmental Manager**

**DATE: August 30, 2022**

**SUBJECT: Senate Bill 22-151 Wildlife Mitigation Fund**

### **Purpose**

**Staff is seeking Commission support for the proposed utilization of Senate Bill 22-151 Wildlife Mitigation Funds, which will be appropriated in September of this year.**

### **Action**

**This memo formally requests a Resolution from the Commission confirming support for the Department's approach for SB 22-151 funding utilization. During the August Commission meeting, staff presented information on CDOT's efforts to address Wildlife Vehicle Collision issues across the State, and our current work with the stakeholders identified within SB 22-151 to develop a plan to expend the Wildlife Mitigation Funding provided within that legislation. An approach for Fund utilization has been agreed to by both the Colorado Wildlife and Transportation Alliance and Colorado Parks and Wildlife. Commission concurrence on this approach is requested.**

### **Background**

**In 2017 and 2018, a pair of secretarial orders issued by the U.S. Department of Interior directed federal land managers to work with states to protect big game species and their habitat across the west. In 2019, Governor Polis issued Executive Order D 2019-011, a complementary state directive, that reiterated the state's habitat conservation priorities and required DNR, CPW, and CDOT to work cooperatively together to reduce the risk of Wildlife Vehicle Collisions, and preserve habitat and migration corridors used by the state's big game herds. This year, Senate Bill 22-151 (Safe Passages for Colorado Wildlife and Motorists) was passed, which created a cash fund for use by the Department to fund projects that provide safe road crossings for wildlife connectivity and wildlife-vehicle collision reduction.**

## **Details**

**During this Legislative Session, Senate Bill 22-151 was created in the State Treasury, and consists of money transferred from the General Fund and into the Colorado Wildlife Mitigation Fund. Funds are to be utilized for the full range of wildlife crossing needs identified in the Department's 10 Year Plan that include wildlife crossing components, or other wildlife passage opportunities identified by the Department, Colorado Parks and Wildlife, the Colorado Wildlife and Transportation Alliance, or other identified stakeholder groups. Funds can also be used for matching funds for federal grant opportunities, and administrative expenses. The Department is required to consult with Colorado Parks and Wildlife and Colorado Wildlife and Transportation Alliance concerning the distribution of the money from the fund, prioritizing projects on the 10 Year Plan, projects identified in the state's Wildlife Prioritization Studies, with consideration of distributing money from the fund to project to fill funding gaps for wildlife needs.**

## **Current Agreement**

**SB 22-151 requires the Department to coordinate with two main stakeholder groups to utilize funds within the Wildlife Mitigation Fund account. The Department has consulted with both the Colorado Parks and Wildlife and the Colorado Wildlife and Transportation Alliance on a recommended approach for funding expenditures that follow the requirements set forth within the legislation.**

**This approach will:**

- Apply funding to several projects in active construction that have identified funding gaps. Funding will allow wildlife components to be added to the scope of work. These projects are identified on CDOT's 10 Year Plan, and identified as priorities within the state's Wildlife Prioritization Studies.**
- Apply funding to projects identified in 10 Year Plan and Wildlife Prioritization Studies that will go to construction in the next year that have a budget deficit.**
- Apply funding to initiate the design of two projects identified on the 10 Year Plan and the Wildlife Prioritization Studies.**
- Apply funding to the administrative costs of the Colorado Wildlife and Transportation Alliance**
- Preserve approximately 25% of the Fund as match for upcoming federal grant opportunities**

Pursuant to SB 22-151, the Department has coordinated with Colorado Parks and Wildlife, and the Colorado Wildlife and Transportation Alliance on the utilization of the Colorado Wildlife Mitigation Fund.

Below summarizes the generally agreed upon funding approach:

**Current Construction Needs**

**Project Description Funding Amount**

SH 115 Rock Creek Brdg, add fence to contract \$500,000

SH 13 Fortification Crk, radar detection Change Order \$150,000

SH 13 Fortification Crk, Zapcrete Change Order \$325,000

Sub-Total: \$975,000

**Upcoming Construction Needs**

**Project Description Funding Amount**

US 550 Billy Creek underpass/fencing cost escalation \$500,000

Sub-Total: \$500,000

**Potential Corridor Improvements**

**Project Description Funding Amount**

US 285 Wildlife fencing near Conifer, existing underpass \$500,000

Sub-Total: \$500,000

**Design for Future Improvements**

**Project Description Funding Amount**

I 25 Raton Pass Wildlife Mitigation Project \$750,000

I 70 East Vail Pass Wildlife Mitigation Project \$750,000

Sub-Total: \$1,500,000

**Administration/Studies**

**Description Funding Amount**

Colorado Wildlife & Transportation Alliance operating funds \$250,000

Sub-Total: \$250,000

Federal Grant Matching funds Sub-Total: \$1,275,000

TOTAL: \$5,000,00

**Proposed Resolution # X**

Commission support for prioritized wildlife corridors.

Approved by the Transportation Commission on September 15, 2022

WHEREAS, Senate Bill 22-151 created within the State Treasury a Colorado Wildlife Mitigation Fund, and authorized the transfer of \$5 million in state general funds into the fund; and

**WHEREAS, Senate Bill 22-151 designated the funds to be utilized for the full range of wildlife crossing needs identified in the Department’s 10-Year Plan that include wildlife crossing components, or other wildlife passage opportunities, or other wildlife passage opportunities identified by the Department, Colorado Parks and Wildlife, the Colorado Wildlife and Transportation Alliance, or other identified stakeholder groups; and WHEREAS, the Department was required to consult with Colorado Parks and Wildlife and Transportation Alliance concerning the distribution of money from the fund to prioritized projects; and**

**WHEREAS, the Department has consulted with partner entities as required and have determined a prioritization process for distribution of the funds as follows:**

- Apply funding to several projects in active construction that have identified funding gaps. Funding will allow wildlife components to be added to the scope of work. These projects are identified on CDOT’s 10 Year Plan, and identified as priorities within the state’s Wildlife Prioritization Studies.**
- Apply funding to projects identified in 10 Year Plan and Wildlife Prioritization Studies that will go to construction in the next year that have a budget deficit.**
- Apply funding to initiate the design of two projects identified on the 10 Year Plan and the Wildlife Prioritization Studies.**
- Apply funding to the administrative costs of the Colorado Wildlife and Transportation Alliance.**
- Preserve approximately 25% of the Fund as match for upcoming federal grant opportunities.**

**NOW THEREFORE BE IT RESOLVED, the Commission supports the prioritization process determined by the Department and wildlife stakeholders and supports the resulting project funding contained in Appendix A.**

**Herman Stockinger, Secretary Date  
Transportation Commission of Colorado**

**Transportation TPR Meeting  
NEXT MEETING NOTICE TPR meeting OCTOBER 13  
VIRTUAL  
From 9:30am to NOON**