



**Colorado  
Legislative  
Council  
Staff**

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**MEMORANDUM**

September 29, 2015

**TO:** Members of the Transportation Legislation Review Committee  
**FROM:** Matt Kiszka, Research Analyst, 303-866-6275  
**SUBJECT:** Regional Transportation Authorities

**Summary**

This memorandum provides information concerning regional transportation authorities (RTAs). Specifically, it provides an overview of state laws pertaining RTAs; powers of and financing mechanisms available to an RTA; and the sales and use taxes levied in each RTA.

**Regional Transportation Authorities (RTAs)**

Under Colorado law, municipalities and counties can join together in a "combination" to create RTAs to address transportation needs within a specific geographic region.

The following five RTAs have been organized and are currently operating in Colorado:

- Baptist Road Rural Transportation Authority;
- Gunnison Valley Transportation Authority;
- Pikes Peak Rural Transportation Authority;
- Roaring Fork Transportation Authority; and
- South Platte Valley Regional Transportation Authority.

**RTA powers.** Colorado law grants RTAs authority, through a board, to finance, construct, operate, or maintain regional transportation systems within or outside their boundaries.<sup>1</sup> However, an RTA is prohibited from constructing a transportation system outside of its boundaries, and within the boundaries of a municipality or county without the consent of the governing body of that municipality or county. If the proposed transportation system would alter the state highway system or the interstate highway system, these alterations must be

<sup>1</sup> Section 43-4-605 (1)(f), C.R.S.

**Open records requirements:** Pursuant to Section 24-72-202 (6.5)(b), C.R.S., research memoranda and other final products of Legislative Council Staff are considered public records and subject to public inspection unless: a) the research is related to proposed or pending legislation; and b) the legislator requesting the research specifically asks that the research be permanently considered "work product" and not subject to public inspection. If you would like to designate this memorandum to be permanently considered "work product" not subject to public inspection, or if you think additional research is required and this is not a final product, please contact the Legislative Council Librarian at (303) 866-4011 within seven days of the date of the memorandum.

approved in an intergovernmental agreement between the RTA and the Colorado Department of Transportation (CDOT).

RTA boards may also create local improvement districts (LIDs) within the boundaries of the authority if petitioned by the owners of the property who will bear the majority of the proposed assessments.<sup>2</sup> An RTA has authority to establish a LID unless the territory of the RTA overlaps the Regional Transportation District (RTD), in which case the RTD has the authority to establish a LID. Generally financed by special assessments levied against property within a district, LIDs may be used to finance, construct, operate, or maintain an RTA's transportation projects. A board may establish a LID after determining that an area within the authority's boundaries will be especially benefitted by construction of a transportation project.

**Creation of an RTA.** Colorado law requires that a proposal to create an RTA be submitted to the registered electors within the boundaries of the proposed authority. Combinations of local governments proposing the creation of an RTA must also hold at least two public hearings on the question of creating the RTA. The boundaries of an RTA may not include territory within a municipality or portion of a county that is not a member of the RTA, unless the governing body of the municipality or county in question has given consent.<sup>3</sup> The state of Colorado may also join into a contract creating an RTA.

If, after reviewing a contract to create an RTA, CDOT, RTD, a bordering county or municipality, or a public highway authority notifies the combination that transportation systems under the contract would negatively impact safe operation of any roads or highways under its jurisdiction, or would provide mass transportation services that impact the district, the impacted entity may request that the combination enter into an intergovernmental agreement addressing the identified services or eliminate those portions or services from the list of projects specified in the contract prior to submission of the contract to the registered electors within the boundaries of the proposed authority.<sup>4</sup>

**RTA financing.** Colorado law authorizes RTAs to establish, collect, and increase or decrease tolls, rates, and charges to finance a transportation system.<sup>5</sup> RTAs may also levy sales taxes, impose an annual motor vehicle registration fee, levy a visitor benefit tax, impose a uniform mill levy, establish regional transportation activity enterprises, and issue bonds.

Unless specified in an intergovernmental agreement, moneys made available for an RTA's transportation system may not be used to supplant existing or budgeted CDOT funding for any portion of the state highway system within the territory of any RTA or any transportation planning region. RTA taxation questions and multi-year debt questions must be submitted to the registered electors residing within the authority's boundaries for approval.<sup>6</sup> Table 1 summarizes the statutory financing mechanisms available to RTAs. RTAs are primarily funded through sales and use taxes. Table 2 summarizes the five RTAs in Colorado, including membership and respective sales and use tax rates.

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<sup>2</sup> Section 43-4-608, C.R.S.

<sup>3</sup> Section 43-4-603 (2)(d), C.R.S.

<sup>4</sup> Section 43-4-603 (1.5), C.R.S.

<sup>5</sup> Section 43-4-605 (1)(d), C.R.S.

<sup>6</sup> Section 43-4-612, C.R.S.

**Table 1  
Financing Mechanisms for Regional Transportation Authorities**

<b>Financing Mechanism</b>	<b>Provisions</b>	<b>Statutory Citation</b>
Sales or Use Tax	RTAs may levy a sales or use tax, or both, of not more than 1 percent upon every transaction with respect to which a sales or use tax is levied by the state. If a member of the combination is located within more than one authority, the total sales and/or use tax may not exceed 1 percent. The RTA may levy a sales or use tax at differing rates in designated parts of the authority. However, if the authority includes territory within the RTD's boundaries, the rate of the tax must be levied in such a way that the rate of tax within the territory of any single member of the combination is uniform.	Section 43-4-605 (1)(j)(I), C.R.S.
Annual Motor Vehicle Registration Fee	RTAs may impose an annual motor vehicle registration fee of not more than \$10 for each motor vehicle registered within any or all portions of the RTA boundaries. If a motor vehicle is registered in a county that is a member of more than one RTA, the total motor vehicle registration fees for that vehicle may not exceed \$10.	Section 43-4-605 (1)(i), C.R.S.
Visitor Benefit Tax	RTAs may levy a visitor benefit tax on those purchasing overnight rooms or accommodations within the RTA's boundaries. The visitor benefit tax may not exceed 2 percent of the price of the overnight room or accommodation. Further, at least 75 percent of the revenue derived from the tax must be used by the RTA to finance, construct, operate, and maintain the RTA's regional transportation system and to provide incentives to overnight visitors to use public transportation. No more than one third of the RTA's total revenues may be derived from this tax.	Section 43-4-605 (1)(i.5), C.R.S.
Mill Levy*	RTAs may impose a uniform mill levy of up to five mills on all taxable property within the territory of the authority. Imposing such a levy does not affect the power of an authority to establish LIDs and impose special assessments.	Section 43-4-605 (1)(j.5)(I), C.R.S.
Regional Transportation Activity Enterprises	RTAs may establish one or more enterprises. The enterprise must be owned by the entire authority, and may not be combined with another enterprise owned by a separate RTA. Enterprises may issue or reissue revenue bonds, and contract with other governmental or private entities for loans and grants related to the enterprise's functions.	Section 43-4-606, C.R.S.
Bonds	Pursuant to a resolution of its board, an RTA may issue bonds for any of its corporate purposes.	Section 43-4-609, C.R.S.

Source: Legislative Council Staff.

\*This provision is currently set to repeal January 1, 2019. According to a representative of the Department of Local Affairs, no RTAs to date have imposed a mill levy.

**Table 2**  
**Regional Transportation Authority Sales and Use Tax Rates**

<b>RTA</b>	<b>Member Municipalities and Counties</b>	<b>Sales Tax Rate</b>	<b>Use Tax Rate</b>
Baptist Road Rural Transportation Authority	A portion of the city of Monument	1.0%	1.0%
Gunnison Valley Rural Transportation Authority	All of Gunnison County except the municipalities of Marble, Ohio, Pitkin, and Somerset	0.6%	None
	City of Gunnison	0.35%	None
Pikes Peak Rural Transportation Authority	El Paso County except the municipalities of Calhan, Fountain, Monument, and Palmer Lake	1.0%	1.0%
Roaring Fork Transportation Authority	Cities of Basalt and New Castle	0.8%	0.8%
	Cities of Carbondale and Glenwood Springs	1.0%	1.0%
	Cities of Aspen and Snowmass Village, and unincorporated Pitkin County	0.4%	0.4%
	Areas of unincorporated Eagle County in the El Jebel area and outside the city limits of Carbondale	0.6%	0.6%
South Platte Valley Regional Transportation Authority	City of Sterling	0.1%	0.1%

Source: Colorado Department of Revenue.



**COLORADO**  
Department of Local Affairs  
Division of Local Government

May 19, 2015

Mr. Ed Peterson, Chair  
Colorado Transportation Commission  
Colorado Department of Transportation  
4201 East Arkansas Avenue  
Denver, CO 80222-3406

Ms. Dianne E. Ray, CPA  
State Auditor  
Office of the State Auditor  
1525 Sherman St. 7<sup>th</sup> Floor  
Denver, CO 80203-1700

Ref: 2014 Regional Transportation Authority Annual Report

Dear Mr. Peterson and Ms. Ray:

The Division of Local Government (the Division) herewith transmits the 2014 annual report on regional transportation authorities, pursuant to C.R.S. 43-4-614 (3)(a). The annual report, using information available to the Division, details the number of authorities that have been created and, for any new authorities describes the boundaries, the public highways being constructed and how they are being financed.

In 2014 there were no new regional transportation authorities created pursuant to C.R.S. 43-4-614(3)(a) in Colorado.

If you have any questions, please do not hesitate to contact Jarrod Biggs of my staff at (303) 864-7744 or myself at (303) 864-7721.

Sincerely,

Chantal Unfug  
Director  
Division of Local Government

Enc.





## **COLORADO**

Department of Local Affairs

Division of Local Government

### **Colorado Division of Local Government Department of Local Affairs**

## **REGIONAL TRANSPORTATION AUTHORITIES 2014 Annual Report**

Pursuant to C.R.S. §43-4-614 (3) (a), the following annual report is submitted for regional transportation authorities. In 2014 there was no new regional transportation authorities created pursuant to Part 6, Article 4, of Title 43 C.R.S. in Colorado. Existing authorities are summarily updated based on records of the Division of Local Government.

The five Regional Transportation Authorities for which the Division of Local Government has issued a Certificate of Organization are:

#### **Baptist Road Rural Transportation Authority**

The Authority formed in 1997. The member local governments are El Paso County and the Town of Monument. The boundaries of the Authority have not changed since the Division's last annual report. A copy of the Authority's adopted 2015 budget is on file with the Division.

#### **Roaring Fork Transportation Authority**

The Authority formed in 2000. The member local governments are Eagle County, Pitkin County, the City of Aspen, the Town of Carbondale, the City of Glenwood Springs, the Town of Basalt, the Town of Snow Mass Village, and the Town of New Castle. A November 2008 election to include the Town of Silt was defeated by the Town's voters. The boundaries of the Authority have not changed since the Division's last annual report. A copy of the Authority's adopted 2015 budget is on file with the Division.

#### **Gunnison Valley Transportation Authority**

The Authority formed in 2002. The member local governments are Gunnison County, the City of Gunnison, the Town of Crested Butte, and the Town of Mt. Crested Butte. The boundaries of the Authority have not changed since the Division's last annual report. A copy of the Authority's adopted 2015 budget is including in the Gunnison County budget which is on file with the Division.



### Pikes Peak Rural Transportation Authority

The Authority formed in 2004. The member local governments are El Paso County, the City of Colorado Springs, the City of Manitou Springs, the Town of Green Mountain Falls, and the Town of Ramah. The boundaries of the Authority have not changed since the Division's last annual report. A copy of the Authority's adopted 2015 budget is on file with the Division.

### South Platte Valley Regional Transportation Authority

The Authority formed in 2007. The member local governments are Logan County, and the City of Sterling. The boundaries of the Authority have not changed since the Division's last annual report. A copy of the Authority's adopted 2015 budget is on file with the Division.

All referenced Authorities budget information is available on the Divisions website at [dola.colorado.gov/lgis](http://dola.colorado.gov/lgis) and looking up each particular authority within the list of local governments.







# OFFICE OF LEGISLATIVE LEGAL SERVICES

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## MEMORANDUM

TO: Members of the Executive Committee of Legislative Council

FROM: Dan Cartin, Director, Office of Legislative Legal Services

DATE: May 6, 2015

SUBJECT: Recommended Timeline and Guidelines for 2015 Interim Committees

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For the 2015 interim, the Office of Legislative Legal Services (OLLS) requests that the Executive Committee adopt the below recommended guidelines and deadlines for the operation of interim committees, task forces, and statutory committees that are authorized to propose legislation.<sup>1</sup> The guidelines and deadlines are intended to allow adequate time for OLLS attorneys to draft bills requested by the committees and task forces, for the committees and task forces to thoroughly consider any proposed bill drafts, for Legislative Council Staff (LCS) to prepare fiscal notes for consideration by the committees and task forces before taking a final vote on proposed bills<sup>2</sup>, and for Legislative Council to review proposed interim committee and task force bills before its annual fall meeting at which it considers whether to approve the proposed bills for introduction in the next legislative session. **Please let me know by Wednesday, May 6, 2015, if you approve these proposed deadlines and guidelines.**

### **I) Deadlines for Interim Committee Bills**

A) *By July 31, 2015, or the first meeting* of the committee or task force, whichever is later, the committee/task force chair shall:

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<sup>1</sup> The recommended deadlines are based on the assumptions that the Legislative Council will meet on or around November 12, 2015, to consider whether to approve interim committee bills in accordance with Joint Rule 24 (b)(1)(D).

<sup>2</sup> Pursuant to HB15-1335, Legislative Council Staff is required to prepare and provide to interim committees, before a final vote on proposed interim committee bills, fiscal notes on the proposed bills being considered by the committees.

- i) Set a date for a single meeting at which the committee may request bills for drafting by OLLS, which date must be *at least 31 days before* the committee will consider the proposed bills, or *no later than October 2, 2015*.<sup>3</sup>
  - ii) Set a date by which committee members must finalize bill drafts for distribution to the committee and release to LCS for purposes of preparing fiscal notes on proposed bill drafts, which date must be *at least 11 days before* the committee's subsequent meeting to consider and take final action on proposed bill drafts, or *no later than October 22, 2015*.
  - iii) Set a date for at least one subsequent meeting at which the committee will consider and take final action on bill drafts, which meeting must be set *at least 31 days after* the meeting at which bills were requested and *at least 10 days before* the Legislative Council meeting;
- B) Committee members should have drafting information available at the meeting at which the members request bills. If drafting information is not available at the meeting, the requesting member shall submit drafting information to the OLLS drafter *within 3 days after the meeting*. Failure to timely submit drafting information may result in the inability of OLLS to draft the requested bill for consideration by the committee.

## **II) Procedures & Guidelines for Requesting Bills and Amendments and for Fiscal Note Preparation**

- A) The committee/task force chair shall establish specific procedures and guidelines for members to follow in making bill requests, including:
- i) A guideline specifying that OLLS will **only** draft bills that are:
    - (a) Requested *during the single committee meeting set for requesting legislation; and*
    - (b) *Approved by a majority of the legislative committee members; and*
  - ii) A guideline specifying that bills and amendments may be *requested and approved only by legislative members* of the committee/task force.
- B) With regard to the preparation of fiscal notes on proposed bill drafts:
- i) A guideline specifying that when a bill sponsor finalizes a bill draft, the sponsor is thereby authorizing LCS to share the bill draft with affected state agencies for fiscal note preparation purposes; and
  - ii) A guideline specifying that once a sponsor finalizes a bill draft for distribution to the interim committee and release for fiscal analysis, the *sponsor may not modify the bill draft* and must present any proposed changes to the bill draft as an amendment to the proposed bill draft at the committee meeting at which the proposed bill draft is considered.

The suggested timeline, procedures, and guidelines are designed to ensure that interim committees and task forces have sufficient time to fully debate proposed legislation, review the actual wording of bill drafts, review and consider the fiscal impact of proposed bills, and satisfy themselves that the interim committee bills that are approved accurately reflect the conclusions and recommendations adopted by the committees. These recommended timelines and guidelines will also assist the OLLS in providing the highest degree of professional drafting and advice and allow time for Legislative Council staff to prepare fiscal notes and distribute the bill drafts and fiscal notes to the interim

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<sup>3</sup> See table below, which sets forth key dates for requesting and finalizing bills based on when the committee meetings are scheduled.

committee members and the final approved bills to the Legislative Council in advance of their meetings.

With your approval, and with the assistance of Legislative Council staff, we will prepare and deliver a memorandum from the Executive Committee to the chairpersons of the 2015 interim committees, task forces, and statutory committees that are authorized to propose legislation, directing those chairpersons to implement the above timeline and guidelines for the 2015 interim.

Please contact Dan Cartin or Christy Chase at (303) 866-2045 if you have any questions about the recommended deadlines and guidelines.

### Key Dates For Interim Committees & Task Forces

	<b>Applicable Deadlines</b>
Last date for meeting to request bills	<i>Friday, October 2</i>
Deadline for submitting drafting information to OLLS	<i>Monday, October 5</i> (if meeting to request bills is held on October 2), OR <i>by 3 days after</i> meeting when bills are requested for drafting
Deadline to finalize bill drafts for distribution to interim committee and release for fiscal analysis	<i>Thursday, October 22</i>
Deadline for distributing bill drafts and fiscal notes to interim committee	<i>Friday, October 30</i> (if final meeting is held November 2), OR <i>3 days before</i> final meeting at which committee will take final action on bills
Last date for meeting to approve final bill drafts	<i>Monday, November 2</i>

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## Request for a potential TLRC bill for 2016 Session

Representative Diane Mitsch Bush and Representative Bob Rankin

### Title

Concerning clarification of passenger vehicle traction requirements and responsibilities on the I70 Mountain corridor when snowy, icy conditions exist

### Problem/ Purpose/Background

During heavy snow and inclement weather, both Vail Pass and the Eisenhower-Johnson Memorial Tunnels, as well as other portions of Interstate 70 from Idaho Springs to Dotsero, have been reduced to one lane or completely closed because of vehicles with inadequate winter driving equipment.

Winter closures caused by passenger vehicles not equipped with either adequate tires, chains, or alternative traction devices cause:

1. severe problems for mountain community workers who do drive properly equipped vehicles commuting to their jobs and for local public transit bringing employees to work along the mountain corridor. They cannot get to work on time even though they are responsible drivers with proper equipment. Missing even a few hours pay is a family emergency for them.
2. economic losses for communities along Interstate 70 and for the entire state estimated at \$800,000 per hour of closure
3. Public safety risks
4. A very significant competitive disadvantage for Colorado businesses

CDOT data on winter operations from 2010 through 2014, show that the number and proportion of I70 mountain corridor winter closures caused by passenger vehicles without adequate traction equipment have increased significantly since 2010. Correspondingly, closures caused by commercial vehicles have become less likely since 2010.

In 2009, the trucking industry worked closely with CDOT and CSP to clarify confusing statute **that then required chains or snow tires for commercial vehicles only when a Code 16 ("chain law" under statute) had been officially put in place.**

This then existing statute in 2009 regarding commercial vehicle operators led to two problems that caused more closures due to trucks not properly equipped: 1. Many truckers were not aware of the requirements because the wording made it difficult for CMCA and CDOT to provide clear education. And 2. Trucks without proper equipment caused closure BEFORE CDOT and CSP could get a code 16 into effect.

The 2009 change in statute provided certainty to truckers so they knew exactly what was required, and it enabled the CMCA, CDOT, and CSP to proactively educate about traction requirements. **The new statute specified mile markers and dates within which trucks had to have traction equipment, thus alleviating confusion caused by the then existing statute. (Please see page 2.)**

After this statutory change went into effect, CDOT data showed a decrease in number and proportion of closures caused by commercial vehicles.

Data presented by CDOT to TLRC in July, 2015 once again showed that the majority of traction related closures last winter, 2014, were related to passenger vehicles with no or inadequate traction equipment.

Therefore, another tool is needed to reduce travel times and minimize road congestion and highway closures.

### **Bill Proposal Main Points**

1. Specify mile markers on I 70 Mountain Corridor within which adequate tires, OR chains, OR adequate traction devices are required, MM133-259 on I70.
2. Specify that adequate traction equipment is required at these mile markers whenever icy or snow packed conditions exist. This alleviates the confusion caused by current code 15 enforcement and it addresses concerns some members had in 2015 about dates certain. It also reflects the amendment added unanimously by the Senate Transportation Committee in 2015.
3. Clarify, simplify, and put in one place definitions of adequate traction equipment that exist in current statute, including existing tread depth of 4/32, tread patterns, and definitions of chains and alternative traction devices.
4. Require CDOT to educate the public about passenger vehicle driver responsibilities via road signage, social media, website and other means.

The proposed bill would NOT increase current fines for a code 15 violation resulting in an accident or a closure, add checkpoints, or make existing tread requirements more stringent. Rather it clarifies motorists' responsibilities and definitions of adequate tires, or chains, or alternative traction devices( such as Auto Sox) and requires that CDOT provide public education and proper signage.

Motorists are already required to have proper equipment when Code 15, the passenger vehicle portion of the chain law, is in effect. However most motorists are not aware of these existing requirements. They are not aware that under current law, if they cause an accident or close a lane due to inadequate tires OR no chains they may now be fined. Under current law it is difficult to post signage that really describes the requirements of code 15, so variable message signs say "snow tires recommended". This is confusing.

**Request for a potential TLRC bill for 2016 Session**  
Representative Terri Carver

*Title*

Concerning the membership of the Transportation Commission

*Purpose/Background*

The bill would increase the membership of the Transportation Commission from 11 to 15, and align the Commission members' districts to the 15 Transportation Planning Regions. This change would enhance the knowledge of the Transportation Commission members of transportation issues and priorities of the 15 Transportation Planning Regions. This change would also enhance statewide views of transportation issues and priorities, and improve the decision-making process of the Transportation Commission.





**Request for a potential TLRC bill for 2016 Session**  
Representative Terri Carver

*Title*

Concerning the Statewide Transportation Advisory Committee

*Purpose/Background*

The bill would clarify in statute that the Statewide Transportation Advisory Committee (STAC) is to provide their advice directly to the Transportation Commission.

Up until 2014, the STAC routinely provided its input and advice directly to the Transportation Commission. In 2014, STAC provided its advice to CDOT, not the Transportation Commission, based on a reading of the current statute.

This bill would reinstate the practice of the STAC providing its advice directly to the Transportation Commission. It is helpful to the Transportation Commission's decision-making process to hear directly from STAC on local and regional transportation issues and priorities across the state.





Jefferson Parkway Public Highway Authority  
P.O. Box 1108  
Arvada, CO 80001-1108  
[www.jppha.org](http://www.jppha.org)

September 18, 2015

Transportation Legislation Review Committee  
State Capitol Building, Room 271  
Denver Colorado 80203

Re: Report of the Jefferson Parkway Public Highway Authority

Members of the Committee:

Thank you for the opportunity to meet with the TLRC on September 29. Unfortunately, I will be out of state that day and will not be able to attend. Please accept my apologies. In lieu of formal testimony, please let me provide you with this brief status report on the Jefferson Parkway.

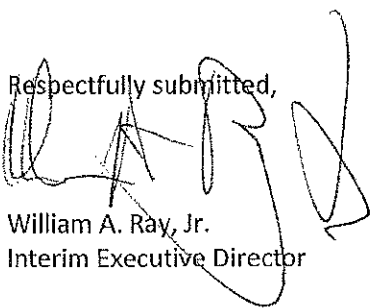
The right-of-way is 99% assembled, either by conveyance to JPPHA directly, or land that is already owned by one of the three member jurisdictions comprising the JPPHA. Negotiations for the final parcel are underway.

The next step for the Parkway is to initiate the Section 1601 process with CDOT. There are three eventual interchanges with the Jefferson Parkway and State Highways 128, 72 and 93; these interchanges require an environmental review. Several other required environmental reviews and studies (404 permits from the US Corps of Engineers, various water and soil studies, etc.) will also move forward in roughly the same time frame. There will be opportunities for public comment and input throughout the process.

The Authority Board is evaluating different strategies on the best time and manner to engage a private sector strategic partner. The agreement with Isolux Corsan previously identified as the Authority's preferred private partner expired in April and was not renewed. Recent informal discussions with major private infrastructure firms indicate continued private sector interest in the Jefferson Parkway and that current market conditions support a P3 approach to this project.

Assemblage of the right-of-way marks a significant milestone for the Jefferson Parkway. Once the environmental review process is completed, a final engineering design will be generated, and a partnership agreement will be negotiated, including a plan of finance. Again, thank you the opportunity to update the Committee on the status of the Jefferson Parkway.

Respectfully submitted,



William A. Ray, Jr.  
Interim Executive Director

C: Board of Directors

