







TRANSPORTATION FINANCE TASK FORCE

REPORT TO GOVERNOR BILL OWENS

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1.0 INTRODUCTION

The need to invest in Colorado's transportation infrastructure, and the economic benefits derived from that investment, have always been a top priority for the Owens Administration. The leadership shown during the Owens Administration, coupled with strong bipartisan support from the General Assembly in the development of two separate landmark transportation packages, is evidence of that commitment.

1.1 GOVERNOR'S TRANSPORTATION PLAN - 1999

In 1999, the Governor presented a series of transportation initiatives to the General Assembly for their consideration. With the assistance of the Legislature, the Governor was able to provide the state with a number of tools to fund and construct transportation projects in a much more cost effective and efficient manner.

- <u>"Referendum A TRANS Bonding"</u>. The Governor's transportation plan included a legislatively referred ballot question (Referendum A) that allowed the state to issue Transportation Revenue Anticipation Notes (TRANS) or bonds for the purpose of accelerating 28 high priority transportation projects statewide. This measure was endorsed by the Legislature and was supported by an overwhelming majority of Colorado voters in a statewide election in November 1999.
- <u>"Design/Build"</u>. Another component of the Governor's 1999 transportation plan was legislation authorizing the Colorado Department of Transportation (CDOT) to perform "Design/Build" on major transportation projects. This administrative efficiency allowed for the design and construction of projects to proceed simultaneously, thereby saving time and inflation costs. This concept has been utilized with much success by the Transportation Expansion (T-REX) Project.
- <u>"Senate Bill 97-01 Extension"</u>. An additional component of the 1999 plan allowed for CDOT to receive a dedicated portion of the state's sales tax proceeds (Senate Bill 97-01) on a continuing basis. The original law authorizing this transfer of sales tax revenue on automobile related parts was a temporary measure. The Governor's proposal allowed for this transfer to take place continuously, unless the State's General Fund could not develop to its allowable 6% growth level. Unfortunately, Colorado's recent economic downturn has resulted in a loss of approximately \$1 billion in Senate Bill 97-01 funds over the last several years.

1.2 GOVERNOR'S TRANSPORTATION PLAN – 2002

Again in 2002, the Governor initiated a comprehensive transportation plan (House Bill 02-1310/Senate Bill 02-179) to address a \$15 billion shortfall for state transportation needs. With the aid of the Legislature, and a coalition of statewide business leadership, a broad based, multi-modal transportation solution was adopted that will provide billions of dollars in transportation revenue estimated to begin in Fiscal Year 2015.

▶ <u>"Growth Dividend".</u> This measure recognized the so-called "Growth Dividend", a mechanism that permits the state to capture revenue resulting from a census adjustment in the year 2000. This growth dividend mechanism will allow CDOT to receive capital construction dollars from the legislature in the future, as well as permit

the Department to receive their statutorily authorized share of the sales tax much sooner than revenue projections had allowed prior to the passage of this bill.

- <u>"Statewide Tolling Enterprise"</u>. The 2002 legislation also authorized the creation of a Statewide Tolling Enterprise. The Colorado Tolling Enterprise (CTE) operates as a government-owned business within CDOT. The CTE was created to provide financing, construction, operation, regulation, and maintenance of a statewide system of toll highways on new capacity only.
- <u>"Dedicated Transit-Funding".</u> The bill also mandated that 10% of the Senate Bill 97-01 funds be dedicated to transit related activities. Previously, this was merely an option.
- <u>"RTD Ballot Authority"</u>. This measure granted the Regional Transportation District (RTD), within the Denver metropolitan area, the ability to petition onto the regional ballot for a tax increase or decrease without prior approval by the legislature.

These two transportation packages have helped meet several very critical needs in the state transportation infrastructure, and will provide additional revenues in the future. However, current economic challenges within this state suggest a need to address transportation issues *immediately*. As the state's transportation system continues to deteriorate and congestion increases, it becomes more costly to meet these needs. The interim gap in transportation funding that exists before revenues begin to flow from the Governor's plan presents difficulties from a planning standpoint, as well as from a project development process standpoint.

1.3 CURRENT STATUS

CDOT is in the process of updating a new long-range transportation plan in coordination with its local transportation planning partners. Portions of the plan are scheduled for release in early spring of 2004. The plan will take into consideration the new revenue projections resulting from the passage of House Bill 02-1310/Senate Bill 02-179, as well as new visions for transportation needs statewide.

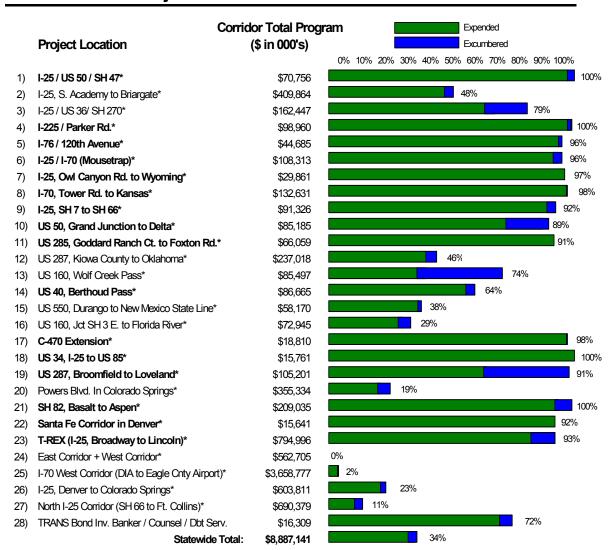
While this plan will create a vision for our transportation future within this state, it is just as critical that immediate needs are met. CDOT has reviewed their existing revenues and the Transportation Commission's performance objectives for those revenues, and has determined that there is a need to invest approximately \$1.56 billion per year in additional transportation funding in order to meet these requirements essentially tripling the current fiscal year investment of \$786 million.

Further, CDOT's analysis determined that the longer it takes to address these needs, the more they will continue to grow and a much larger investment will be required to correct the backlog. It is important to note that any requirements that cannot be funded today grow by inflation each year. This number begins to increase exponentially the longer the need is neglected. For example, the backlog in transportation will grow to approximately \$12.6 billion by year 2010 if not addressed today.

One example of a program that has been affected by the shortfall in revenues is the so-called "7th Pot Program", a list of 28 high priority transportation projects statewide. As mentioned earlier, these programs were funded both with Senate Bill 97-01 revenues as

well as proceeds from the TRANS program, as approved by the voters in November 1999. While CDOT has completed a large number of these projects, there are still several that will be deferred until Senate Bill 97-01 revenues begin to flow. The following is a list of the 28 strategic projects and their status to date:

Status of 7th Pot Projects



Bold Highlighted Projects are Fully Funded

^{*} Corridors have had prior year Non-Strategic Program funding and accomplishments which are not reflected in these percentage calculations.

2.0 TASK FORCE CREATION AND RESPONSIBILITIES

In an effort to further evaluate transportation funding needs, and to identify and recommend new and innovative funding sources for transportation, the Governor authorized the creation of the "Colorado Task Force on Transportation Finance" in December 2003. The purpose of the Task Force is to make recommendations regarding the level of investment needed to provide a transportation system for the State of Colorado that would allow for opportunities of economic development, and to maintain and/or improve the quality of life in Colorado. Additionally, the Task Force was asked to provide transportation financing options by focusing on existing funding sources that could be redirected to transportation in order to meet that level of investment. These recommendations may include, but are not limited to, changes that require approval by the General Assembly or by a vote of the people.

The Transportation Finance Task Force was authorized to hold a minimum of four (4) meetings and submit a report to the Governor by March 2004 outlining any specific recommendations resulting from these discussions.

3.0 MEMBERS OF TASK FORCE

In an effort to focus the Task Force on identifying innovative financing options and opportunities for economic development for the state in the transportation arena, the Task Force was comprised of experts in the fields of finance and economic development, as well as state budgeting practices. The members included:

- TUCKER HART-ADAMS President, The Adams Group, Inc.
- MIKE BEASLEY Executive Director, Colorado Department of Local Affairs
- JOE BLAKE Chair, Transportation Commission and President and CEO, Denver Metro Chamber of Commerce
- ROBERT EVERITT Chairman and CEO, Everitt Companies
- JOEL FARKAS Principal, Gateway American Properties
- MARTIN HART Chairman of the Board of Trustees, Regis University
- WAYNE HUTCHENS President, BankOne
- WILLIAM HYBL Chairman and CEO, El Pomar Foundation
- MIKE IMHOFF Managing Director, Stifel, Nicolaus; Hanifen, Imhoff Division
- DEBBIE JESSUP President, KeyBank Colorado
- JOHN SAEMAN Owner, Medallion Enterprises, LLC
- HENRY SOBANET Deputy Director, Office of State Planning and Budgeting
- BOB TOINTON President, Phelps-Tointon, Inc.
- NANCY TUOR Executive Vice President and Chief Operating Officer, Kaiser-Hill
- JOSEPH WAGNER Chairman and CEO, Wagner Equipment Company

4.0 OVERVIEW OF DISCUSSION

The Task Force held several meetings that included presentations from CDOT staff regarding a number of issues. Specifically, the group was presented information in the following areas:

- 1. The Colorado Department of Transportation Budgeting Process.
- 2. Transportation Planning Processes.
- 3. Transportation Contract Management and Project Scheduling Processes.
- 4. Overview of Taxpayers Bill of Rights (TABOR) and the State Budgeting Process.
- 5. Colorado Tolling Enterprise Board Activities.
- 6. Colorado's Efforts versus Other States in Transportation Funding.
- 7. Funding Options.

5.0 FINDINGS

Based upon background information, the Task Force recognizes that the state's current sources of transportation funding will not address the needs identified. Traditional sources of revenue have not kept pace with inflation, and the state's current budget shortfalls have restricted the possibility of other "non-traditional" sources of funding being allocated for transportation use.

Overall, the Task Force believes that CDOT has managed its limited resources effectively in spite of an economic climate that does not allow for previously scheduled investment in transportation infrastructure. The Task Force recognizes that CDOT has minimized administrative overhead, and has instituted measures to maximize innovative opportunities in order to leverage as much funding capacity as possible. Based on a review of other states' "best practices" it is apparent to the Task Force that Colorado is a leader among the states in innovative financing and efficient and effective management of its programs. Still, the Task Force acknowledges the need to find additional means to invest immediately in Colorado's transportation infrastructure.

The Task Force finds that the need for immediate attention to infrastructure investment is compounded by specific factors. As an example, fuel taxes are not indexed to inflation rates. While gas tax collections have increased by an average of 3% per year, construction costs for highways have averaged a 5% annual inflationary increase. At the same time, Vehicle Miles Traveled (VMT) is growing at twice the rate of population growth leading to increased deterioration of the system. These factors result in an automatic 2% per year reduction in buying power. Inflationary costs are not merely additive (4 years of inflation equals 4 x 2%, or 8%), but are compounded (4 years of inflation equals 2⁴, or 16%). Additionally, increased use of alternative fuels that are not taxed at the same rate as gasoline, and greater fuel efficiency in many of today's vehicles, contributes to the erosion of the fuel tax and its ability to adequately fund transportation. As a result, it is estimated that nationally, the fuel tax has approximately one-third of the purchasing power that it had in the 1960s.

While the Task Force acknowledges the importance of investing immediately in Colorado's transportation infrastructure, the group does not consider it feasible to determine ways to meet all of the needs at once. To that end, the Task Force agrees that a more reasonable goal is to provide recommendations that address a portion of the need. Furthermore, the group agrees that this goal cannot be accomplished with a singular solution, but rather a series of recommendations should be considered together.

6.0 SUMMARY OF RECOMMENDATIONS

Based on current findings, the Task Force agrees to submit three separate categories of recommendations to the Governor for his consideration. Specifically, these groups include:

- 1. Administrative Practices
- 2. Legislative Recommendations
- 3. Future Areas of Focus

7.0 ADMINISTRATIVE PRACTICES

The Transportation Finance Task Force focused a great deal of its discussion of how CDOT currently manages resources in order to determine whether any operational efficiencies might be derived. Again, while the Task Force acknowledges CDOT's efforts to stretch existing dollars farther through the utilization of innovative financing tools, as well as through innovative cash management processes, the Task Force determined that these approaches should be pursued more aggressively and that targeted goals should be established in each area. The following are some recommendations resulting from those discussions:

7.1 APPLY DESIGN/BUILD CONCEPT MORE BROADLY

The Task Force reviewed the contracting process and various options available to CDOT, including Design/Build, which offers the ability to accelerate projects saving both time and inflationary costs. It was noted that the success of the Design/Build approach to the T-REX Project has resulted in cost savings and construction efficiencies, and that this model should be replicated to the extent practicable. It was further recommended that CDOT develop guidelines for a Design/Build program and expand the use to additional projects. In addition, CDOT should identify projects, over the next six years, in all of its Engineering Regions that would benefit from a Design/Build delivery method. Recognizing the variability of project size and timing, a target of \$30 to \$80 million per year should be set for projects that will be delivered by Design/Build. Tolling Enterprise projects will need to be evaluated separately for the appropriateness of Design/Build.

7.2 AGGRESSIVE CONCLUSION OF EFFORT TO ESTABLISH CANDIDATE TOLL CORRIDORS

With financial resources so limited at this time, the CTE is the only available new source of funds to help the state address major capacity and mobility improvements. The Task Force views this as a top priority for the CTE to pursue as aggressively as possible, implementing tolling solutions on corridors that will alleviate congestion and provide cash flow to offset the cost of their construction.

The Task Force understands that any of the tolling projects must first be cleared through the normal CDOT environmental process, but urges the CTE to complete the work that would allow them to implement projects immediately after clearance is gained. It is anticipated that the first project will be cleared environmentally within the first half of 2005. The Task Force encourages the CTE to meet its goals for Calendar Year 2004 to:

- Complete the Traffic and Revenue Feasibility Study as scheduled in July 2004.
- Develop tolling policies and operating and maintenance procedures.

- Negotiate an Intergovernmental Agreement (IGA) with E-470 for interoperability.
- o Procure a toll collection system and supporting technology.
- o Develop a Design/Build Contract.
- Establish a Design/Builder selection process (using T-REX as a model).
- Develop an internal staffing plan (minimal) and an outsourcing plan.
- o Hire a financial team, a legal team, and a general engineering consultant.

7.3 INTERNAL CASH MANAGEMENT

The Task Force examined CDOT's contracting process, as well as cash flow, and recommends that there might be some financial efficiency to be gained by encumbering funds in a phased manner, rather than encumbering an entire multi-year contract at once.

7.4 COLLAPSE TIME ASSOCIATED WITH ENVIRONMENTAL APPROVAL PROCESS

Discussions centered on the time and effort the environmental process takes. CDOT is encouraged to look for ways to shorten this time, enabling projects to go forward with less funding spent before construction and allow for inflationary savings throughout the project, while still meeting the intent of the National Environmental Protection Act (NEPA). The Task Force encourages CDOT to put forward a strong intellectual effort towards streamlining the environmental review process, whether through internal efforts or as part of advocacy efforts before policy-makers who are in a position to make changes to existing law.

7.5 CONCENTRATE CURRENT FUNDING ON MAINTAINING INFRASTRUCTURE

The Task Force asked for information regarding the maintenance lifecycle of the highways and bridges. CDOT staff presented information on lifecycle cost analysis, performance measures, and reconstruction efforts. The information presented suggests that reconstruction is exponentially more expensive than preventive maintenance. Currently, CDOT's performance management systems indicate that an additional investment of \$206 million per year is required in System Quality Investment Category alone to meet the needs of maintaining the transportation infrastructure. The Task Force acknowledges the Transportation Commission's commitment to preserving the state's existing infrastructure and further recommends that CDOT maximize the impact of their limited funds by concentrating on maintaining the system, rather than adding to a system that would then be allowed to deteriorate due to lack of maintenance funds.

8.0 LEGISLATIVE RECOMMENDATIONS

The Task Force discussed several transportation funding options that would require legislative action or approval by Colorado voters. As part of that discussion, the Task Force reviewed information on what other states have considered in their efforts to secure additional transportation dollars. The following recommendations resulted from those discussions.

8.1 CREATION OF REGIONAL TRANSPORTATION AUTHORITIES

The Task Force recognizes the need for enhanced cooperation between state and local governments in an effort to improve transportation systems, as well as the need to

provide local governments with additional tools to secure those improvements. Currently, all local governments around the state, with the exception of those that fall within the boundaries of RTD within metropolitan Denver, have the statutory authority to form regional transportation authorities for funding transportation improvements. The Task Force recommends that legislation be considered to grant local governments, within the RTD area, the ability to form regional authorities for funding transportation improvements. Further, the Task Force recommends that this legislation allow the regional authorities to work in cooperation with CDOT through IGAs in order to help facilitate these discussions.

8.2 STABILIZATION OF SENATE BILL 97-01 SALES TAX TRANSFER PROCESS

The Task Force acknowledges the significance to CDOT's construction program of ensuring a consistent and dedicated transfer of funding through the Senate Bill 97-01 process. At the same time, the Task Force recognizes budget constraints currently faced by the State Legislature as a result of reductions in state revenue and combined impacts of the TABOR Amendment, Gallagher Amendment, and Amendment 23. The Task Force recognizes that addressing these impacts in any combination would not have a direct benefit to transportation. Therefore, the Task Force recommends that as the Governor and the Legislature begin discussions on efforts to "re-vamp" these three constitutional amendments, that they include the Senate Bill 97-01 process and the trigger mechanisms included in that transfer process. The anticipated outcome would be that Senate Bill 97-01 could become a stable, dedicated source of transportation funding for the state.

8.3 ADDITIONAL "TRANS" BONDING AUTHORITY

The Task Force reviewed current limitations associated with CDOT's existing TRANS Bonding Authority and has determined that efforts to secure additional bonding authority should be supported. This additional authority would only be feasible if Senate Bill 97-01 funds are secured. Therefore, the recommendation of the Task Force is that if the Senate Bill 97-01 sales tax transfer process is stabilized, legislation should be considered to allow the bonding authority a revolving line of credit rather than a one-time issuance and repayment limit.

8.4 STATE INFRASTRUCTURE BANK

CDOT currently administers a low-interest revolving loan fund that was authorized by the State Legislature. This "State Infrastructure Bank" includes four separate accounts: 1) highway; 2) mass-transit; 3) aviation; and 4) rail, that can provide loans to local governments and/or private sector applicants for the purposes of building transportation projects. The only accounts that are currently capitalized are the highway and aviation accounts. The Task Force supports the implementation of this innovative financing tool, and in particular the successes experienced under this program in the aviation category. Under that program, the state was able to leverage approximately \$70 million in federal airport improvement funds which otherwise would not have come to Colorado. To that end, the Task Force recognizes the value in funding these accounts to provide additional mechanisms to fund transportation projects and recommends that legislation be considered to fund this bank.

8.5 Maintain Integrity of Highway Users Tax Fund

Two specific agencies (Colorado State Patrol and Ports of Entry at the Department of Revenue) receive funding "off-the-top" from the state's Highway Users Tax Fund (HUTF) before funding from that revenue source even begins to flow to the state and local governments for transportation projects. State law allows the funding transfer of these two areas to grow up to 6% each year, while the state and local government's share of those funds are restricted to the growth of the fund itself (average of 3%). This imbalance results in fewer dollars being transferred to the state and local governments for the intended purpose of the fund. A recommendation was made by the Task Force that any funding not spent at year-end by Public Safety, the Colorado State Patrol, or the Department of Revenue Ports of Entry be returned to the HUTF rather than the General Fund. The Task Force also recommends that legislation be considered to restrict the rate of growth of these "off-the-top" agencies to the same rate of growth experienced by the fund itself, or phase this transfer out all together.

8.6 MINIMIZE FUEL TAX EVASION

In an effort to further protect dedicated sources of revenue for transportation, the Task Force discussed legislation that passed a few years ago to step up enforcement efforts regarding fuel tax evasion. As a result of this legislation, the state HUTF captured an additional \$20 million in lost revenues. The Task Force recommends that legislation be considered to further review mechanisms to capture fuel tax evasion. Some of these mechanisms may include changes to the way the state fuel tax is currently collected. Colorado currently collects the tax at the distributor. The practice of taxing "at the rack" appears to be employed by many other states. In response to Task Force inquiries, the Colorado Department of Revenue stated that approximately 50% of other states currently tax "at the rack" with favorable results. To reduce the opportunity for fuel tax evasion, and to make the tax easier to collect and tax receipts easier to audit, the Transportation Finance Task Force recommends that the tax be collected at the manufacturer or "at the rack".

8.7 DEDICATED GAMING IMPACT FUND

The Task Force also reviewed impacts to CDOT's base budget when specific funds are not made available, but are intended to offset impacts to the transportation system. In particular, the Task Force discussed the impacts resulting from gaming related traffic to the state's transportation system, and the fact that the legislature has transferred only limited funds from the Gaming Impact Fund to CDOT for offsetting those needs in the last few years due to budget constraints. The Task Force recommends that legislation be pursued to solidify the Gaming Impact Fund transfer process to CDOT so that the HUTF is no longer used to subsidize these impacts.

9.0 AREAS OF FOCUS FOR FUTURE ("Big Ideas")

The Task Force agrees that a third focus of recommendation should include more visionary, bigpicture items that may not be immediately resolved, but should be listed as future goals in an effort to address impacts to current transportation systems. These recommendations include items that will likely require multiple future steps that can begin today. The following are examples of these items:

9.1 FREIGHT RAIL RELOCATION

The Task Force acknowledges the efforts currently underway between CDOT, RTD, the Union Pacific Railroad, and the Burlington Northern Railroad Companies to discuss the potential for relocating freight rail lines outside of metropolitan Denver to the eastern portions of the state. The Task Force recommends that these entities take all steps possible to aggressively implement the plan.

9.2 COMPLETION OF A BELTWAY SYSTEM AROUND METROPOLITAN DENVER

The Transportation Task Force recognizes the need for a completed "beltway" system around Denver noting that the Denver metropolitan area is the only region of its size without a beltway. The completion of such a beltway was suggested as a means to offset a number of impacts that currently over-burden transportation systems within the metropolitan area. The completion of E-470 and the Northwest Parkway are considered to be positive steps in this direction. The Task Force acknowledges CDOT's participation in efforts to begin the environmental clearance processes both on C-470 and the Northwest Corridor, which may result in improvements to "buckle the beltway" or other improvements, and urges aggressive completion of these studies and subsequent implementation of the proposed solutions resulting from those studies.

9.3 COLORADO TOLLING ENTERPRISE TRAFFIC AND REVENUE FEASIBILITY STUDY

The CTE has commissioned a Feasibility Study to determine new capacity projects that could proceed if tolling were applied. The Transportation Finance Task Force urged timely completion of this study and immediate implementation of any financially viable and environmentally cleared projects.

9.4 IMPROVEMENTS TO THE I-70 MOUNTAIN CORRIDOR

The Task Force recognizes the significance of the I-70 Mountain Corridor in terms of its contribution to both commerce and tourism. The Task Force acknowledges CDOT's efforts to embark on an environmental review of that corridor and strongly recommends that the Department pursue any "early action" improvements that can be progressed outside of that review process.

9.5 I-25 NORTH CORRIDOR (Denver to Fort Collins)

Increasing development pressures from the Northern Colorado communities along the I-25 corridor from Denver to Fort Collins has resulted in CDOT initiating an Environmental Assessment (EA) for this vital Front Range Corridor. In keeping with the general recommendation of the Task Force to partner with local governments and the private sector, every effort should be made to seek financial participation from local and private interests who are pressing for the development that will result in additional transportation improvement needs.

9.6 I-25 THROUGH COLORADO SPRINGS

The Task Force encourages CDOT to proceed with issuing the final \$120 million in bonds to fund a Design/Build project along I-25 in Colorado Springs. CDOT is encouraged to use whatever resources necessary to complete construction of this project as efficiently as possible. In keeping with the general recommendation by the

Task Force to partner more with local governments, CDOT should seek to gain financial participation from these local governments to maximize the scope of the improvements.

9.7 COMPLETION OF 7^{TH} POT

The Task Force supports CDOT's efforts to maintain the priority of the 28 strategic projects – also known as the "7th Pot" – in spite of the loss of one of the primary funding sources that is used to accelerate the completion of those projects. The Task Force urges the Department to maintain this level of commitment to these projects.

10.0 CONCLUSION

After several weeks of meetings and many hours of discussion on the transportation funding challenges facing this state, the Task Force is pleased to note that the Department of Transportation is doing an outstanding job in managing its resources and deriving efficiencies within its existing budget processes in an effort to provide the best system possible to the taxpayers of Colorado. However, the Task Force acknowledges that CDOT faces an increasingly daunting task in its efforts to continue these 'best practices" as pressures on our infrastructure increase over time.

Overall, the Task Force agrees with many of the positive efforts that have been undertaken to date, and recommends that the Department apply their successes more broadly to other efforts in the future. As a specific example, the Task Force is impressed with the methodologies and approaches that CDOT initiated in order to make the T-REX Project in metropolitan Denver a success. These methodologies include a cooperative effort between cities, counties, CDOT and RTD, as well as Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) that allowed for a corridor specific, multimodal approach to project development. The Design/Build concept helped the project to be scheduled for completion years earlier than under a traditional design/bid/build delivery system. Finally, this venture serves as a nationwide model for a highway and transit project to be built in a single, cooperative effort, which saved not only commuter time and public frustration, but also approximately \$300 million.

In general, the Task Force encourages CDOT to continue to enhance cooperative relationships among its transportation partners, local governments, private developers, and regional entities in order to further maximize opportunities for efficiencies. To that end, the Task Force asserts that the state should assume a larger role in ensuring that all of these entities are aware of opportunities to work together and develop partnerships.

Finally, the Task Force agrees that the creation of this group resulted in an effective dialogue and is appreciative of the Governor's effort to initiate this forum for discussion.