

MEMORANDUM OF UNDERSTANDING (MOU)
By and between the
FEDERAL HIGHWAY ADMINISTRATION,
UNITED STATES DEPARTMENT OF TRANSPORTATION (Division)
AND
COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)
AND
COLORADO HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE)

WHEREAS, CDOT desires to construct the *I-70 Eastbound Peak Period Shoulder Lane Project* (hereinafter referred to as the "Project"); and

WHEREAS, CDOT and HPTE desire to implement tolling during periods of high traffic volumes on the eastbound inside shoulder from mile point 230 to mile point 241 (hereinafter referred to as the "Toll Facility"); and

WHEREAS, as conditions of the design variance required for the Project

- a. CDOT and the HPTE agree to collect the following data of the toll facility every state fiscal year, and if needed, conduct a reassessment of the functionality of the toll facility or components of the toll facility. Based on the Project's Concept of Operations, recommended performance measures include:
 1. Interstate 70 Travel Time Reliability
 2. Interstate 70 Traffic Volume and Traffic Type
 3. Interstate 70 Safety and Crash Data
 4. Incident clearance times and Emergency response transport times

One certification submitted by either party to the FHWA, within two months of the end of the state fiscal year, shall be sufficient to satisfy the requirements of this paragraph so long as both parties are bound by such certification. If requested, CDOT and HPTE agree to provide Clear Creek County results of the project's ongoing assessment as a part of CDOT/CCC Quarterly Coordination Meetings.

- b. CDOT and the HPTE agree to reassess the Toll Facility in the year 2020 in conjunction with the I-70 Programmatic Environmental Impact Statement (PEIS) Record of Decision (ROD) reassessment.

At that time, the full range of improvements evaluated at Tier 1 may be reconsidered. In addition, the I-70 Collaborative Effort stakeholder committee (including the lead agencies) may reconsider the full range of improvements evaluated in the Final PEIS, or pursue a new process because the context in which this Tier 1 decision was made is so changed that none of the alternatives evaluated in the Final PEIS meets future transportation needs. Global, regional, and local trends such as peak oil, climate change, technological advances, and changing demographics could affect these future transportation needs.

The reassessments can proceed in parallel with Tier 2 NEPA processes for individual projects. Preparation of a reassessment does not require ongoing Tier 2 NEPA processes

to be halted, nor does it preclude the initiation or conclusion of other Tier 2 NEPA processes.

- c. The CDOT and the HPTE agree to limit the use of the toll facility according to the following operational limitations:
1. The toll facility's operations shall be limited to peak periods of congestion, which based on modeling and historic data, are projected to be on Saturdays and Sundays from December through March and July through September.
 2. The toll facility shall operate during holiday associated traffic and planned special events throughout the year, both which are anticipated to generate a large, concentrated number of return trips from the I-70 Mountain Corridor to the Denver Metro Area.
 3. In order to balance the semi-predictable nature of the I-70 mountain corridor traffic peaks with the uncertainties that come from adverse weather and tight geometry, a two-pronged approach to hours of operation is recommended. The initial implementation would follow a static schedule based on historic data showing the highest volumes and most congested travel times. Based on modeling and historic data, it is anticipated that the toll facility shall be implemented between the hours of 11:00am and 8:00pm. The second step would be to add flexibility to allow the shoulder lane to be opened earlier or remain open later. The Operations Manager of the CDOT Transportation Management Center (CTMC) may extend the time, either before 11:00am or after 8:00pm if conditions warrant. The time extension will not be for more than 2 hours.
 4. When necessary, the toll facility shall be allowed to operate during emergency closures of the general purpose lanes.
 5. The toll facility operations are weather dependent.
 6. The toll facility shall not operate in excess of 20% of the annual days per year including holidays (73 days) or 7.5% of the annual hourly time.
 7. The toll facility shall cease operation by the year 2035 unless modified by a different project which may or may not be a part of the Corridor's long term solution.

The CDOT and the HPTE agree that if the above operational limitations are not met, the Division has the right to revoke the design variances allowed for the Toll Project from MP 230 to MP 241 and require all Federal funds be re-paid in full. If the above mentioned limitations are not met, the Division has the right to require CDOT to restore the cross section and right side break down shoulder to a pre-PPSL condition.

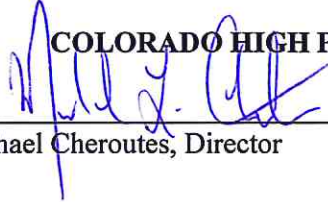
IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below.

COLORADO DEPARTMENT OF TRANSPORTATION

BY: 
Donald Hunt, Executive Director

DATE: Apr. 21, 2014

COLORADO HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

BY: ,
Michael Cheroutes, Director

DATE: _____

**FEDERAL HIGHWAY ADMINISTRATION
COLORADO DIVISION**

BY: ,
John M. Cater, Division Administrator

DATE: 4/22/2014