

**Final**  
STAFF SUMMARY OF MEETING

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Date: 08/10/2012

Time: **09:37 AM to 03:24 PM**

Place: HCR 0112

This Meeting was called to order by  
Senator Hudak

This Report was prepared by  
Jonathan Senft

ATTENDANCE

Barker	X
Brown	X
Fischer	E
Hamner	X
Jones	X
King S.	E
Looper	E
Newell	E
Priola	*
Ramirez	*
Renfroe	X
Schwartz	E
Scott	X
Spence	X
Tyler	X
Williams A.	E
Williams S.	X
Young	X
Vaad	X
Hudak	X

X = Present, E = Excused, A = Absent, \* = Present after roll call

Bills Addressed:	Action Taken:
Presentation by the Regional Transportation District	Witness Testimony and/or Committee Discussion Only
Public Highway Authority Report	Witness Testimony and/or Committee Discussion Only
Public Comment	Witness Testimony and/or Committee Discussion Only
Public Utilities Commission Report	Witness Testimony and/or Committee Discussion Only
Waste Tire Program	Witness Testimony and/or Committee Discussion Only

**09:43 AM -- Presentation by the Regional Transportation District**

Senator Hudak, chair, called the meeting to order.

Mr. Lee Kemp, Chairman of the Regional Transport District (RTD) Board of Directors introduced Mr. Phillip Washington, General Manager and CEO of RTD, who provided testimony on ridership data, cost recoveries, revenues, and general overview of the RTD status (Attachment A). Mr. Washington also provided the plans for the future, including Union Station and FasTracks. The FasTracks overview included status updates on West Rail Line (93 percent complete), Denver Union Station (63 percent complete), the East Rail/ Gold Line (property acquisitions underway), the I-225 line (first segment construction underway) and the U.S. 36 Route (construction of express lanes underway).

**09:54 AM**

Representative Tyler queried about the leveling of the track to the street platforms on the West rail line, mainly concerning the Oak Street crossing. He expressed concern that snowplows may cross and damage the rail. Mr. Washington replied that the RTD is aware of the issue and is addressing it. According to Mr. Washington, this line will be fully open on April 26, 2013. Representative Tyler then queried about the quality of Call-and-Ride. Mr. Washington said that RTD has cut the original recommendation down and instead will keep fixed-route buses, leaving less Call-and-Ride service than was originally considered under the West line plan.

**10:00 AM**

Mr. Washington continued discussing the "Eagle P3" project, a multiple partner agreement to design-build-finance-operate-maintain the East rail line, Gold line, Northwest Electrified Segment (segment one of the Northwest rail line) and Commuter Rail Maintenance Facility project under a single contract. Mr. Washington stated that it is a 34-year contract, with six years to design and build the segments and lines, and 28 years for operation and maintenance.

**10:05 AM**

Senator Hudak queried about the BNSF rail line, an existing privately owned rail line, and negotiations concerning the Northwest rail line. Mr. Washington said that the portion of line referred to by Senator Hudak is not owned by BNSF. The Northwest rail line after Westminster is not part of the Eagle P3 Plan. Representative Vaad asked about private equity interest and return on investment and where revenues would come from to pay back those lenders. Mr. Washington deferred the question to Mr. Terry Howerter, RTD CFO, who said this exposure will be paid by sales tax revenue.

**10:15 AM**

Mr. Washington elaborated on the Keiwit proposal concerning the I-225 project. He indicated that the proposal was recently accepted. Representative Tyler then asked about a potential one-mile connectivity project from the Five Points area of Denver to Denver International Airport (DIA), and whether it could be privately funded. Mr. Washington responded that private funding is a goal in planning this project. Senator Spence asked about the Keiwit proposal, and how internal estimates weigh against bids. The trend is that bids tend to be lower than internal estimates. Mr. Washington said that poor economic conditions can spur lower bids. Representative Ramirez queried about the current tax structure funding FasTracks and altering rail plans for the Northwest Line. Mr. Washington responded that RTD needs additional revenues.

**10:28 AM**

Representative Jones inquired about funding and taxes for the Northwest line. He expressed concern of an inequity in funding for tracks to the north. He commented that the bulk of the funding is going to lines other than the north. Mr. Washington responded that the question is at the direction of the RTD Board of Directors.

**10:37 AM**

Representative Jones directed RTD to "do the basics first," referring to the construction of the Northwest line. He asked that Mr. Washington convey this message to the RTD Board. Representative Ramirez echoed Representative Jones' comments. Senator Williams also commented in favor of the remarks of Representatives Ramirez and Jones.

**10:45 AM**

The committee took a brief recess.

**10:57 AM -- Public Highway Authority (PHA) Reports**

Senator Hudak called the meeting back to order.

Mr. Randy Drennen, Chairman E-470 Authority, Mr. John McCuskey, Executive Director E-470 Authority, and Mr. Dave Kristick, Deputy Executive Director E-470 Authority introduced themselves to the committee. Attachment B was distributed to the committee. Mr. McCuskey began to explain the handout.

**11:04 AM**

Mr. Kristick discussed the emerging sticker system associated with customer accounts for tolling. He identified potential issues with temporary license plates issued by the Department of Revenue (DOR). He indicated that some types of toll readers cannot identify them. Mr. Kristick stated that the E-470 Authority is meeting with DOR concerning this issue next week.

**11:08 AM**

Representative Vaad asked about the 20 percent discount for the Express toll and whether there are larger administrative costs for using this system. Mr. Kristick responded affirmatively. Representative Ramirez mentioned his personal experiences with the toll system and praised the customer service.

**11:11 AM**

Representative Hamner asked about the amount of the toll. Mr. Kristick responded that a regular toll for a car is between \$2.25 and \$3.15 at each toll plaza, depending on the toll plaza and route. Senator Hudak asked about average costs. Mr. McCluskey said the full distance of the highway is approximately \$12.00.

**11:13 AM**

Rep Vaad asked about tolls on motor carriers. He discussed the efficiency concerning collections and administrative costs and raised the issue of the federal bill regarding a nationwide transponder mandate.

**11:21 AM**

Ms. Pat Soderberg, Northwest Parkway Public Highway Authority, and Mr. Pedro Costa, Brisa, representing the concessionaire, introduced themselves to the committee. Ms. Soderberg provided a general overview of the presentation materials (Attachment C).

**11:26 AM**

Representative Tyler asked about potential extensions of the Northwest Parkway through the Interlocken area near US 36, specifically whether the northern part works its way through Interlocken Park. Ms. Soderberg said that it does, and then briefly outlined the plan as it pertains to the Jefferson Parkway.

Representative Vaad asked Mr. Costa about current investment, revenue and payments. Mr. Costa explained these figures in the context of the difficult economy.

**11:36 AM**

Discussion ensued concerning the effectiveness of the Public/ Private concessionaire system. Mr. Costa said that some companies are starting to find that the arrangement is not such a good deal, and cited the sale of the Indiana turnpike as one example. Mr. Costa explained that new financing arrangements place pressure for companies to be efficient.

Senator Hudak asked about average tolls on the highway. Ms. Soderberg responded that the full distance, I-25 to U.S. 36, is \$3.30 per trip. Mr. Costa referred to the presentation materials that showed the trends over the last few years.

**11:42 AM**

Representative Jones asked about potential rises in tolls, and the downward level of use of the highway. Ms. Soderberg responded that the downturn in usage is due to the economic downturn. She said that tolls can rise at a minimum of 2 percent per year. Representative Jones commented that tolls are too high now, and expressed concern about any rise in the current toll.

**11:44 AM**

Mr. Bill Ray, Executive Director of the Jefferson County Public Highway Authority, introduced himself to the committee. Attachment D was distributed to the committee.

Representative Ramirez asked about the StorageTek area just south of Broomfield. Mr. Day continued his presentation on the status of land acquisition, and discussed Open Space and the Rocky Flats area.

**11:55 AM**

Mr. Ray discussed the "Section 16" land deal, and broadly outlined an ongoing legal suit, and the possibility that a deal on the state land involved in construction may discontinue. Senator Hudak asked about the future of the section of Highway 93 that is planned to be part of the Parkway. Mr Ray responded that it will be widened. Senator Hudak followed up with questions about potential environmental damage.

**12:02 PM**

Representative Jones asked about Highway 93 and potential tolls. Mr. Day responded that there will be no tolls on this section.

**12:03 PM**

The committee recessed.

**01:06 PM -- Public Comment**

The committee returned to order.

Ms. JoAnn Herrick, member of the River North Community of Denver, expressed concern about a proposed parking garage near Coors Field on land owned by the Stadium District. She spoke about the lack of public opportunity to comment on the proposed development. She also explained that the RTD is paying to purchase parking spaces in the garage. She urged the Colorado General Assembly to oversee the Stadium District. Senator Williams explained that state law authorizes the Audit Committee to audit the Stadium District.

**01:15 PM**

Mr. Scott Meiklejohn, United Rentals and Sunbelt Rentals, expressed concern about a tax on rentals of special mobile equipment (SMM) and the state reporting requirement related to this tax. He urged the committee to sponsor legislation to amend the reporting requirement to make it less onerous. He also responded to questions from the committee concerning reporting requirements for other states and alternative reporting methods that would be less onerous on his business.

**01:22 PM -- Public Utilities Commission**

Mr. Ron Jack , Chief Operating Officer, Public Utilities Commission (PUC), described the implementation of House Bill 12-1327, concerning security requirements for towing carriers. He also described the role of affected towing carriers in the rulemaking process to implement House Bill 12-1327.

**01:29 PM**

Mr. Cliff Henson, representing the Investigations Unit of the PUC, described enforcement of state regulations concerning towing carriers by the PUC and local law enforcement. He also responded to questions from the committee about the use of penalty revenue that is deposited into the state General Fund.

**01:35 PM**

Mr. Jack described current law concerning PUC regulatory authority over motor carriers (Attachment E). He also responded to questions from the committee concerning PUC regulation of taxi service and how applications for new taxi services are evaluated.

**01:52 PM**

Mr. Henson responded to questions about PUC enforcement against illegal taxis.

**01:57 PM**

Mr. Jack described the regulation of towing carriers under current law, and responded to questions from the committee about regulated towing carriers and the implementation of House Bill 12-1327. He also described the regulation of household good carriers under current law.

**02:06 PM**

Mr. Jack identified fees collected by the PUC from regulated carriers and explained the use of these moneys to pay for the cost of the regulatory program. He also described the Unified Carrier Registration System for vehicles that are required to register with the U.S. Department of Transportation.

**02:12 PM**

The committee took a brief recess.

**02:16 PM -- Waste Tire Program**

The committee returned to order.

Mr. Charles Johnson, Solid Waste Material Management Program Manager, Colorado Department of Public Health and Environment (CDPHE), distributed the 2011 Annual Report for the Waste Tire Recycling Program (Attachment F) and a chart that described the allocation of fees collected by the Colorado Department of Revenue to support the waste tire program (Attachment G). He described the purpose of the program, tires affected by the state regulation, and programs to promote the use of waste tires. He commented on problems related to the illegal disposal of waste tires and measure to prevent such disposal and to promote the clean up illegal waste tire dumps.

**02:36 PM**

Mr. Johnson described the legislative history of the waste tire program, including House Bill 10-1018 and House Bill 12-1037 concerning waste tire processors fees. He explained that House Bill 10-1018 established an advisory committee that is required to report to the General Assembly in January 2013 concerning the benefit of the program and potential legislation to improve it. He also described a task force that has been formed to address the beneficial use waste tires by agricultural operators that will begin meeting in September 2012.

**02:44 PM**

Mr. Brian Gaboriau, Waste Tire Grants Administrator, Division of Environmental Health and Sustainability, responded to questions from the committee concerning use of waste tires for road building materials and sound barriers.

**02:49 PM**

Mr. Johnson responded to questions from the committee about the number of waste tires that are disposed of annually in Colorado and the number of tires that are currently being recycled for fuel and other purposes. He also described grants for public safety agencies to address hazards related to waste tires such as fires.

**02:53 PM**

Mr. Gaboriau described the use of recycled waste tires for athletic field bases, playgrounds, and other uses. He explained pictures of waste tires in the 2011 Waste Tire Report and responded to questions about potential environmental hazards related by waste tires. He also discussed the use of waste tire funds to clean up abandoned or illegal waste tire sites, recycling incentive grants, and other programs, and described the rulemaking process to implement House Bill 12-1037.

**03:11 PM**

Mr. Johnson responded to questions from the committee about the importation of waste tires into Colorado from other states and how these facilities are regulated.

**03:20 PM -- Discussion on Future Agenda**

Mr. Jason Gelender, Office of Legislative Legal Services, described the process for requesting draft legislation that will occur on the August 21, 2012.

**03:24 PM**

Senator Hudak requested the Colorado Department of Transportation provide information about vehicle miles traveled on August 21, 2012.

**03:24 PM**

The meeting adjourned



# Presentation to the Transportation Legislation Review Committee

August 10, 2012



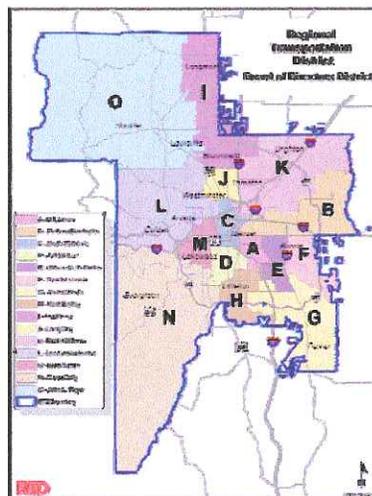
## Agenda

- Overview of RTD
- Cost Recovery/Productivity Ratios
- Contracted Bus Service
- FasTracks Update

## Service Area

RTD

- 8 counties or portions thereof:
  - Adams                    -Denver
  - Arapahoe               -Douglas
  - Boulder                 -Jefferson
  - Broomfield             -Weld
- 40 municipalities
- 2,348 square miles
- 2.8 million people (approximately 57% of Colorado population)



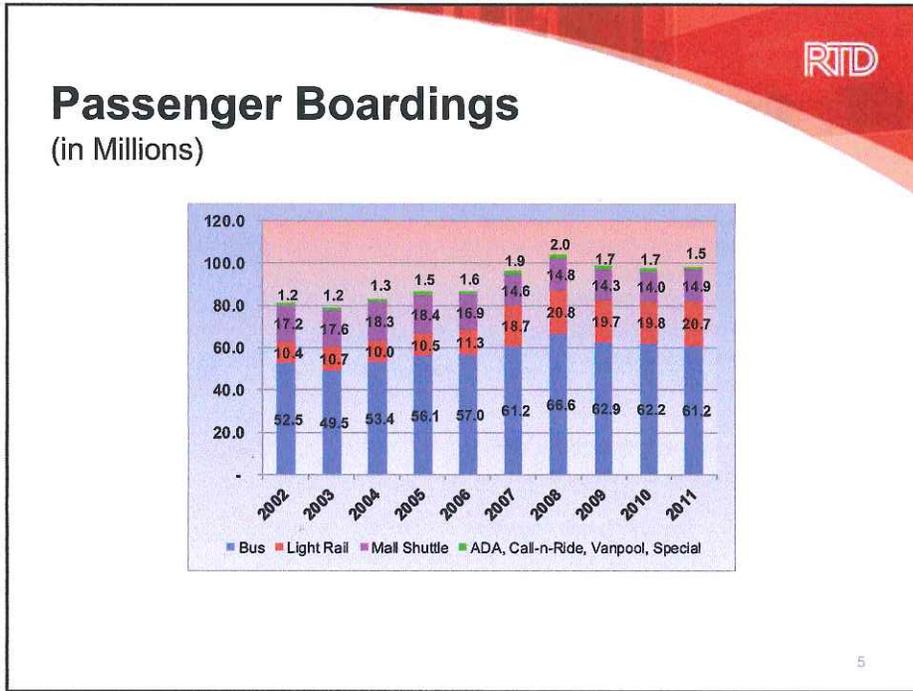
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## Scope

RTD

- 98.3 million passengers in 2011
- 325,900 average weekday boardings
- 1,535 rolling stock vehicles
  - 969 buses
  - 172 light rail
  - 327 Access-a Ride
  - 42 Call-n-Ride
- 148 scheduled bus routes
- 9,698 bus stops
- 35 light rail track miles
- 74 Park-n-Rides
- Over 2,500 employees
- FasTracks
  - 93.4 miles of commuter rail
  - 28.2 miles of light rail
  - 18 miles bus rapid transit
  - 21,000 parking spaces
  - Denver Union Station
  - \$4.2 billion in projects currently under contract or under construction

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## RTD

### Passenger Boardings (in Millions)

Boardings	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>Total</b>	81.3	79.0	83.0	86.5	86.8	96.4	104.2	98.6	97.7	98.3
<b>% Change in Boardings</b>										
Bus	-6.1%	-5.8%	7.9%	5.0%	1.6%	7.4%	8.8%	-5.6%	-1.1%	-1.5%
Light Rail	14.9%	2.1%	-6.3%	4.8%	7.8%	65.4%	11.3%	-5.3%	0.9%	4.4%
Mall Shuttle	4.0%	2.4%	3.9%	0.6%	-7.9%	-13.7%	1.4%	-3.5%	-2.2%	6.8%
ADA, Call-n-Ride, Vanpool, Special	0.6%	-1.7%	6.0%	13.1%	10.7%	16.7%	7.8%	-14.7%	-2.7%	-9.9%
<b>Total</b>	<b>-1.7%</b>	<b>-3.0%</b>	<b>5.1%</b>	<b>4.1%</b>	<b>0.5%</b>	<b>11.0%</b>	<b>8.1%</b>	<b>-5.4%</b>	<b>-0.9%</b>	<b>0.7%</b>

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## Cost Recovery Ratio Calculation

(SB 154 of 1989)

### SB154 Revenue:

- Farebox Revenue (exclusive of ADA)
- Advertising Revenue
- Federal Operating Grants
- Federal Formula Bus Grants
- Other Operating Revenue
- Investment Income

### SB154 Costs:

- Operating and Administrative Costs
- Depreciation on Operations Assets
- Excluding: ADA Costs
  - Rapid Transit Planning
  - Interest Payments on Rapid Transit Assets

**Cost Recovery Ratio\* = SB154 Revenue/SB154 Costs**

\* See following page for Cost Recovery Ratios.

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## Cost Recovery Ratios

(SB 154 of 1989)

<u>Year</u>	<u>Actual</u>	<u>Statutory Requirement</u>
2006	42.1%	30.0%
2007	52.8%	30.0%
2008	48.9%	30.0%
2009	49.4%	30.0%
2010	48.7%	30.0%
2011	54.9%	30.0%

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## Operating Revenue Recovery Ratio Calculation

RTD

### Operating Revenue:

- Farebox Revenue (exclusive of ADA)
- Advertising Revenue
- Other Operating Revenue

### Costs:

- Operating and Administrative Costs
- Depreciation on Operations Assets
- Excluding: ADA Costs
  - Rapid Transit Planning
  - Interest Payments on Rapid Transit Assets

$$\text{Operating Revenue Recovery Ratio}^* = \text{Operating Revenue} / \text{Costs}$$

\* See following page for Operating Revenue Recovery Ratios and Farebox Revenue Recovery Ratios

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## Revenue Recovery Ratios

RTD

Year	All Operating Revenue <sup>1</sup>	Farebox Revenue
2006	20.0%	19.0%
2007	21.5%	20.3%
2008	22.9%	21.6%
2009	25.9%	24.8%
2010	30.0%	28.8%
2011	29.7%	28.5%

<sup>1</sup> Includes farebox, advertising and other operating revenue

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## Contracted Bus Service Summary



- 57.6% of RTD bus services are operated by private contractors
- Contracted services include:
  - Fixed route = 46.6% contracted
  - access-a-Ride = 100% contracted
  - call-n-Ride = 100% contracted
- RTD may statutorily contract up to 58% of bus services

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## The RTD FasTracks Plan




- 122 miles of new light rail and commuter rail
- 18 miles of Bus Rapid Transit (BRT) service
- 31 new park-n-Rides; over 21,000 new spaces
- Enhanced Bus Network & Transit Hubs (FastConnects)
- Redevelopment of Denver Union Station
- 50+ new rail and/or BRT stations for Transit Oriented Communities opportunities

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## FasTracks Guiding Principles

RTD

- Ensure every step contributes to the full vision
- Focus money available to the greatest good
- Spend public money wisely
- Maximize outside funding before going to taxpayers
- Deliver key investments in all corridors



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## FasTracks Status

RTD

- 81 miles of new rail and bus transit currently in construction or about to begin construction
- West Rail Line – 93% complete
- Denver Union Station – 63% complete
- East Rail Line/Gold Line (EAGLE)– property acquisitions and utility relocations underway
- I-225 Line – construction of first segment (Nine Mile to Iliff) underway
- U.S. 36 BRT – construction of express lanes is underway



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## West Rail Line

RTD

- 12.1-mile Light Rail Project, terminates at JeffCo Government Center
- 12 Stations and 4,959 new parking spaces
- Revenue Operation Date: 4/26/2013
- Overall Project Completion 95%
- Construction Completion 95%
- In August, RTD successfully completed the cutover at Colfax to CPV line to Sports Authority Field @ Mile High & Pepsi Center. This is RTD's most challenging cutover to date.
- Successfully opened the newly completed Federal Center Station in Lakewood, increasing parking access from 646 spaces to 1,000.



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## West Rail Economic Impacts

RTD

- Through December 2011, RTD West Rail Line added more than \$295 million to the local economy
 

• DTCG Wages Paid	\$39 million
• Equipment, services and supplies	\$73 million
• Subcontractors	\$183 million
- At the height of construction, employee numbers reached more than 600 people
  - More than 85 percent are hired locally.
- DTCG is directly conducting business with 550 businesses/vendors
- 94 percent of these business have local offices.
- Contractors on the West Rail Line employ local certified Disadvantaged Business Enterprises (DBE)
  - Forecasted to exceed 18 percent participation goal by at least 3 percent
  - DTCG has subcontracted to more than 70 firms who employ crews and purchase supplies from local distributors

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## Denver Union Station Status

RTD

- \$480 million project
- Multimodal hub integrating light rail, commuter rail, Amtrak, buses, taxis, shuttles, bikes and pedestrians
- Partners include RTD, Colorado Dept. of Transportation, City and County of Denver, Denver Regional Council of Governments, Master Developer
- RTD negotiating contract for redevelopment of historic building
  - Boutique hotel, restaurants, retail
- Transit hub will open in 2014



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## Eagle P3 Project

RTD

- Includes East Rail Line, Gold Line, a segment of Northwest Rail (to south Westminster) and commuter rail maintenance facility
- Project Funding – \$2.1 billion
  - \$1.03 billion funded by federal grant
  - Nearly \$500 million in private equity funding
- East Rail Line groundbreaking – Aug. 2010; Gold Line – Aug. 2011
- Northwest Rail groundbreaking – June 2012
- Opening scheduled in 2016



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RTD

## Eagle P3 Project

- First transit P3 of this magnitude in the U.S.
- RTD retains ownership of assets
- Availability payment model
- 34-year contract
  - 6 years design/build
  - 28 years operate/maintain
- Concessionaire agreement includes incentives and penalties
- More public entities are turning to P3s to build out their projects




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RTD

## I-225 Light Rail Line



- 10 ½ mile light rail extension
- 8 stations
- Starts at existing Nine Mile Station
- Serves the Aurora City Center
- Serves the Anschutz / Fitzsimons Campus
- Provides additional mobility to military veterans and transit dependents
- Provides regional connectivity to East Commuter Rail Line at the Peoria Station

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## I-225 Unsolicited Proposal

- March 8 – RTD received an unsolicited proposal from Kiewit Infrastructure Company for the I-225 Light Rail Project
- May 8 – RTD advertised a Request for Proposals (RFP) to provide a Design-Build approach to construct the I-225 Rail Line beyond the Liff Station with a financial solution that is within RTD's financial capacity
- June 14 – RTD received competitive bids from two teams:
  - Kiewit Infrastructure
  - Balfour Beatty/Ames JV
- July 3 – Staff recommends the Kiewit proposal to the RTD Board
- July 24 – RTD Board formally approves Kiewit proposal

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## Kiewit Proposal Highlights

- Constructs entire I-225 corridor to Peoria Station by November 2015
- Opens to public in mid-2016
- A lump sum \$350 million design-build contract
- Incorporates Alternative Technical Concepts that reduce cost
- Right-of-Way (ROW) team includes local companies
- Excellent project safety record, well beyond industry averages
- Extensive design-build experience with proven history of success; including T-REX and DUS
- Proven design and construction management approaches
- Proposes to exceed the 25% SBE and 8% WIN goals

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## Benefits of Completing I-225 Now

- Kiewit's hard bid came in under our internal estimate and allows us to complete an entire corridor.
- The contractor's completion date ties in ideally with the opening of the East Corridor to the airport.
- Provides regional connectivity:
  - To DIA and to the Anschutz/Fitzsimons Medical Campus including the VA Hospital, which will serve approximately 60,000 military veterans and their families
- Taking advantage of the I-225 opportunity contributes to the completion of the whole FasTracks vision.

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## US 36 Bus Rapid Transit (BRT)

- Phase I Transit Improvements began in 2005; completed in 2010
  - McCaslin Park-n-Ride and pedestrian bridge
  - Church Ranch Park-n-Ride
  - Broomfield Park-n-Ride and bridge
  - Slip ramps/bus pullouts
- Combined improvements shave 15 minutes each way for Denver-Boulder bus commuters
- Express lanes under construction
  - Complete January 2015



*Photo Courtesy of Parsons*



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## Other Project Updates/ Hot Button Items

- **North Metro**
  - Final design to 72<sup>nd</sup> to begin this summer
- **Southeast Extension**
  - RTD beginning federal New Starts grant application process
- **Central Extension**
  - Streetcar study continues
- **Southwest Extension**
  - Relocation of Union Pacific track is next step
- **Northwest Rail**
  - Groundbreaking held on first segment to Westminster
  - RTD is evaluating how to address mobility and accessibility in Northwest area via a study
- **US36 BRT**
  - Fulfill RTD remaining commitment in the future as funds become available

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## Opportunities for Acceleration

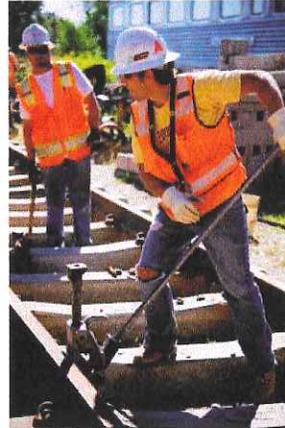
- **Successful future sales tax election**
  - Potential RTD initiative
  - Potential RTD/CDOT initiative
- **Better than expected sales tax revenues**
- **Additional grants, unsolicited proposals or public-private partnerships**
- **Current construction projects completed under budget**
- **Partnering with our stakeholders to make every dollar count through**
  - Early agreement on project scope and no additional changes during construction
  - Timely reviews and permit approvals
  - Maximizing opportunities for local match

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## Workforce Initiative Now (WIN)

RTD

- Collaborative partnership led by RTD, in conjunction with Community College of Denver, Denver Transit Partners, and Urban League of Metro Denver
- Leverages existing training providers to identify, assess, train and place community members, including military veterans, into careers in transportation and mixed-use development projects
- RTD's FasTracks program provides a starting point on the Eagle P3 Project



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## FasTracks by the Numbers

RTD

- 81** miles of new rail and bus transit are currently in construction or under contract to begin construction
- \$2 B** Number of dollars injected into the local economy by end of 2011
- 7,000** Average number of jobs that will be created annually during peak construction
- 600** Number of estimated jobs on the West Rail Line
- 2,500** Number of direct and indirect jobs created during Eagle P3 construction
- \$1.5 B** Estimated amount of federal funds to be received
- \$150 M** Amount per year in wages and salaries that FasTracks is estimated to add to the metro Denver economy once construction is complete
- \$4.2 B** Project totals, currently under construction or under contract

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## FasTracks Moving Forward



- RTD Board has decided not to pursue sales tax election at this time
- Continue to implement \$4.2 billion in investments across the region
- RTD will continue to aggressively pursue alternative funding for FasTracks (grants, public-private partnerships, unsolicited proposals)
- Further define the northwest area mobility plan
- RTD is committed to completing the entire FasTracks program

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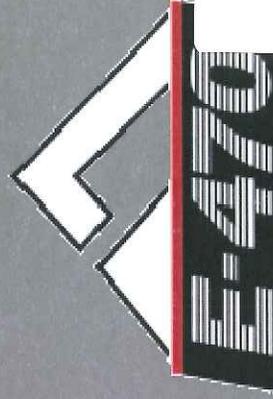
## Questions?

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**TRANSPORTATION  
LEGISLATIVE  
REVIEW COMMITTEE**

E-470 Public  
Highway Authority

August 10, 2012

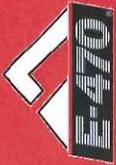


Attachment B



# PARTICIPANTS

- **Randy Drennen**  
**E-470 Board of Directors Chair**
- **John McCuskey**  
**Executive Director**
- **Dave Kristick**  
**Deputy Executive Director,**  
**Toll Operations Director**



# E-470 MEMBER JURISDICTIONS

## Voting Members

Adams County

Arapahoe County

Douglas County

Aurora

Brighton

Commerce City

Parker

Thornton

## Non-Voting Members

CDOT

DRCOG

RTD

Arvada

Broomfield

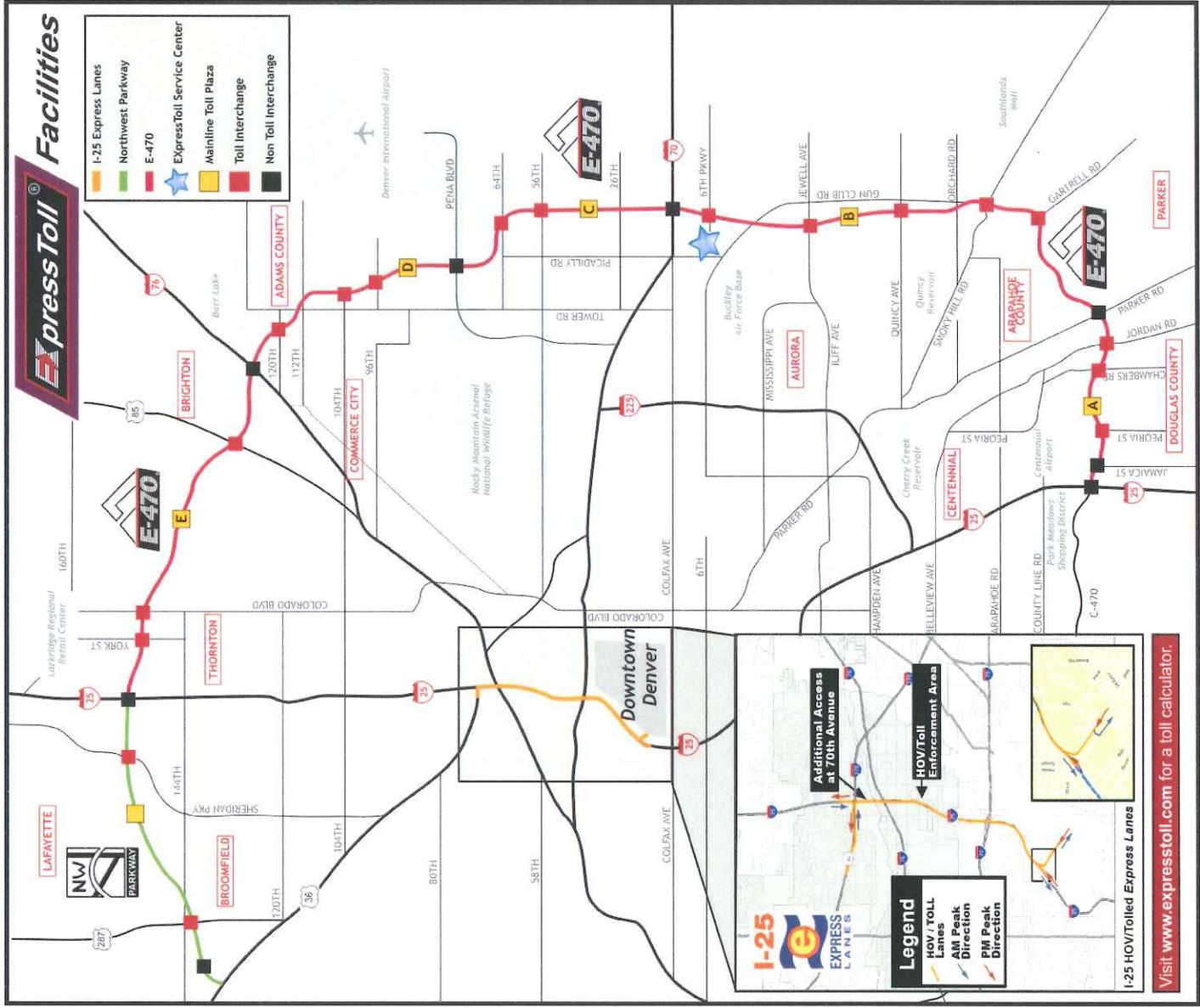
Greeley

Weld County

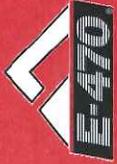


# Express Toll Facilities

- I-25 Express Lanes
- Northwest Parkway
- E-470
- ExpressToll Service Center
- Mainline Toll Plaza
- Toll Interchange
- Non Toll Interchange



Visit [www.expresstoll.com](http://www.expresstoll.com) for a toll calculator.



# E-470 PUBLIC HIGHWAY AUTHORITY

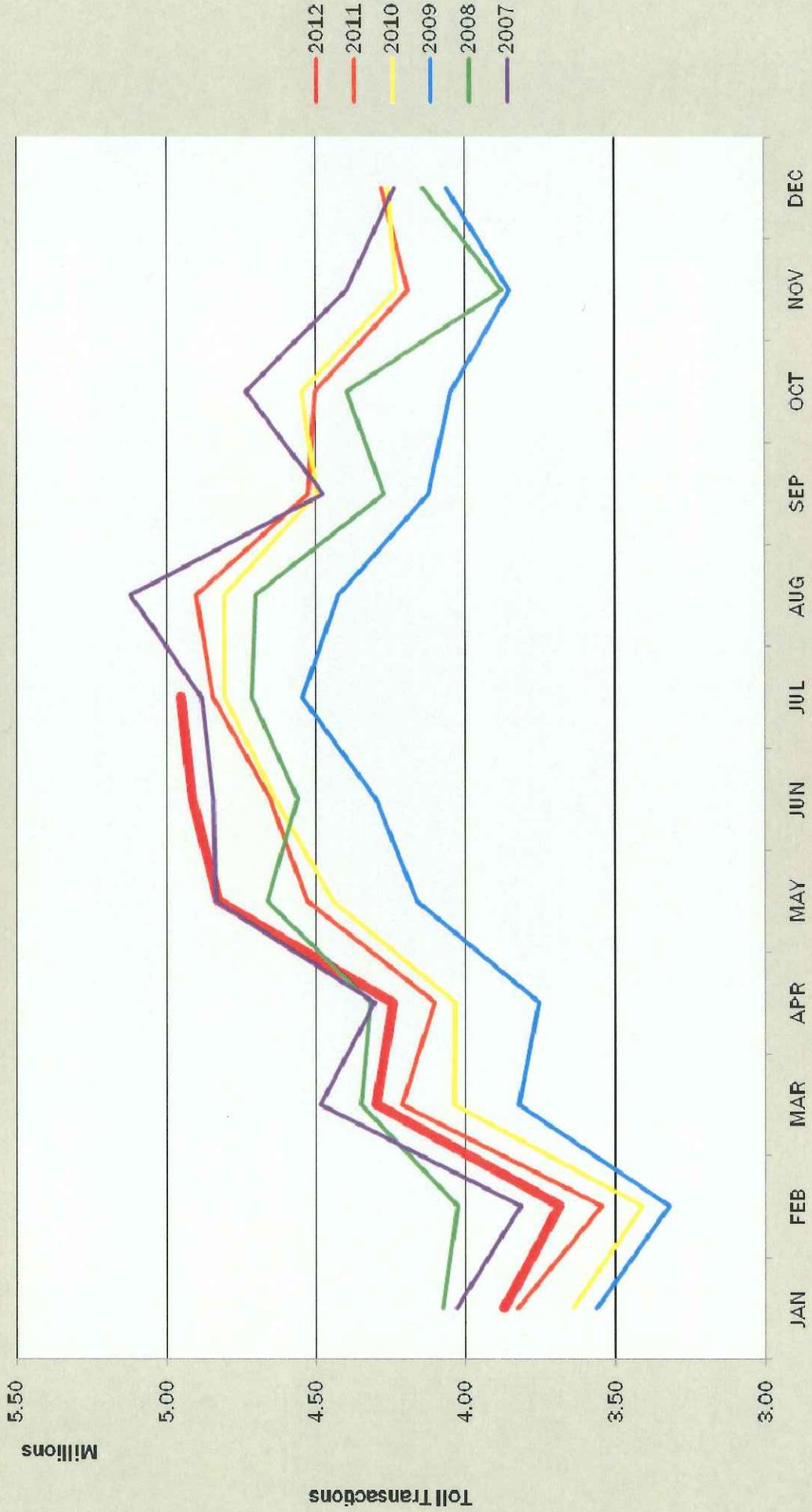
- **47 Center Lane Miles**
- **311 Lane Miles**
- **55,000,000 Estimated Toll Transactions in 2012**
- **\$114,000,000 Estimated Toll Revenue in 2012**
- **2 Axle Cost / Mile**
  - **ExpressToll \$0.26**
  - **LPT \$0.33**
- **2 Axle End to End Cost**
  - **ExpressToll \$12.25**
  - **LPT \$15.40**

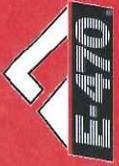
# **RECENT & CURRENT E-470 INITIATIVES**

- **Customer Driven Management & Social Media**
- **Reconstruction of Segment between Parker & Toll Plaza A**
- **Road Surveillance Cameras Expansion**
- **HPTE Tolling Support – US 36, I-25 North**
- **Sticker Tag Transponder Rollout**
- **New E-470/EXpressToll Website**
- **Solar Energy Initiative**
- **Plaza Redevelopment Planning**
- **Wrong Way Driver Prevention**
- **Rating Agency Confirmations**
- **Coordination with DMV on Temporary License Tags**



# TRAFFIC TRENDS 2007 - YTD 2012





# TRANSPONDER INTEROPERABILITY

- **ExpressToll Service Center**
  - Operated by E-470 Public Highway Authority
  - Serves:
    - E-470
    - Colorado High Performance Transportation Enterprise (HPTE)
    - Northwest Parkway
- **Interoperable Transponders**
  - One Transponder – One ExpressToll Billing Statement
  - Three Separate Toll Facilities



# ALL ELECTRONIC TOLLING

- **ExpressToll**
  - 72.5% of all toll transactions
  - 416,300 accounts; 816,700 transponders
  - Pre-paid account
  - 20% discount
- **License Plate Toll**
  - 27.5% of all toll transactions
  - 1,274,200 accounts used in 2011
  - Payments accepted online, by phone, by mail, in person



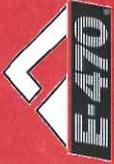
# TOLL COLLECTION RATES

▪ <b>ExpressToll</b>	
▪ <b>99% Collection Rate</b>	
▪ <b>License Plate Toll</b>	
▪ <b>4% Prepay</b>	
▪ <b>79% Pay first bill</b>	
▪ <b>35% Pay second bill</b>	
▪ <b>32% Pay in collections</b>	
▪ <b>95% Total Toll Collection Rate</b>	
	<b>Cumulative <u>Collection Rate</u></b>
	<b>83%</b>
	<b>89%</b>
	<b>92%</b>



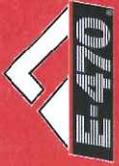
# LICENSE PLATE TOLL BILLING OBJECTIVES

- **Single monthly mailing from E-470 including applicable:**
  - **New toll transactions**
  - **Fees and/or civil penalties**
  - **Collection letter**
  - **Civil penalties and/or hearing officer's final order**
- **Customer will always have visibility to details of any new charges**
- **All tolls will be presented on statement prior to escalation into civil penalty assessment**
- **Implementation of new fees/civil penalties as approved by BOD (per document/case instead of per transaction)**



# HIGH LEVEL BILLING LIFECYCLE TIMELINE

- **New drivers for E-470 and I-25 (HPTE):**
  - **Months 1 – 3**: Statement on account anniversary date each month
  - **Months 4 – 7**: Collection letter plus statement each month
  - **Months 8 – 12+**: Statement plus Citation and/or Hearing Officers Final Order (HOFO) as generated each month
- **If a customer's account is past due, new tolls are billed 2 times before a notice of civil penalty is issued.**



# LICENSE PLATE TOLL BILLING SUMMARY

## **Drive E-470**

30 Day Accumulation

## **LPT Statements**

3 months – statement each month

\$5 late fee if 1<sup>st</sup> statement isn't paid

## **Collections**

4 months – statement each month

\$20 collection fee

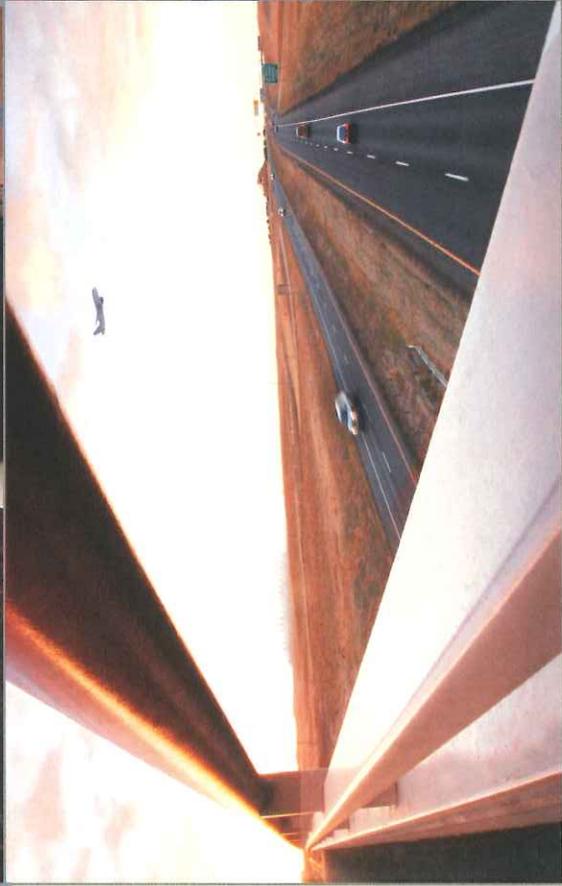
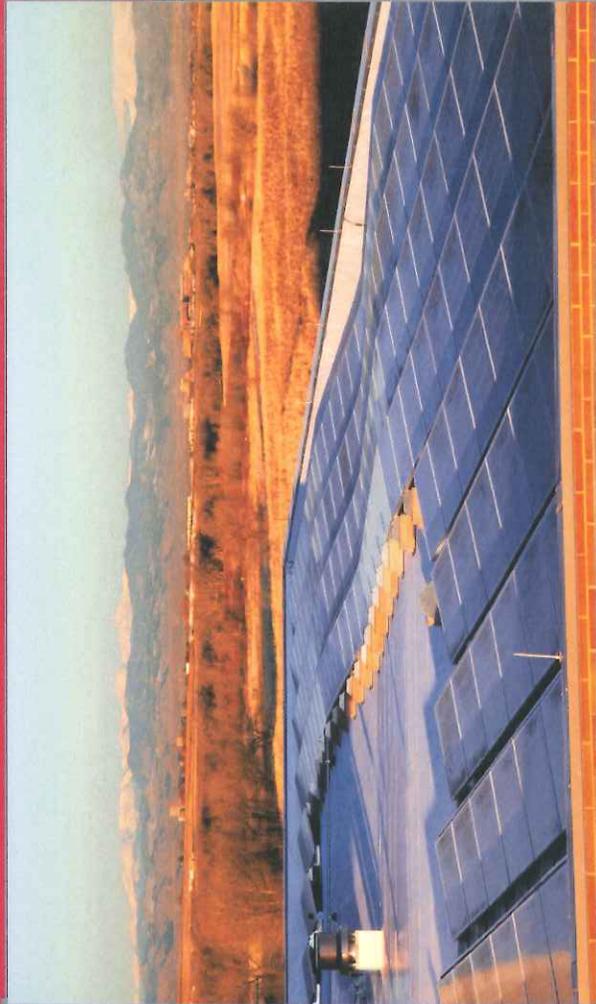
## **Notice of Civil Penalty**

\$25 Civil Penalty

## **Hearing Officer's Final Order**

\$20 Court Fee

THANK YOU



# Northwest Parkway Public Highway Authority Transportation Legislation Review Committee



August 10, 2012

Slide 1

# Who Forms NWPPHA



- **Members:**



City & County of Broomfield



City of Lafayette



Weld County

- **Ex Officio & Associate Members:**



City of Arvada



Regional Transportation District



Interlocken Metro District



Jefferson County



Colorado Dept. of Transportation

# Northwest Parkway Public Highway Authority



## Background

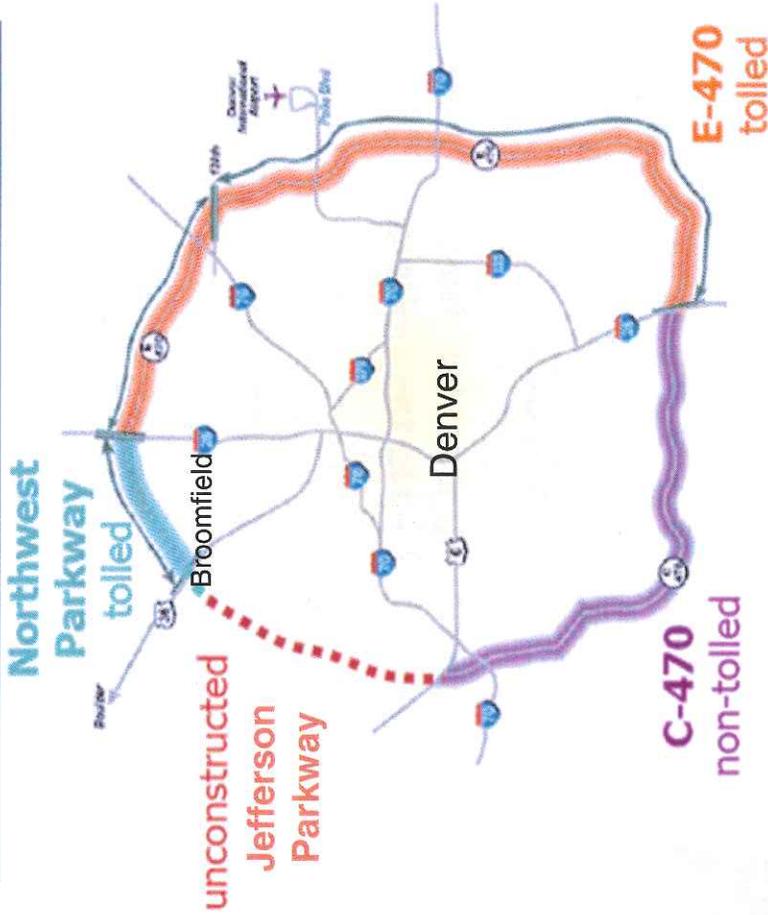
- July 1999: Authority established
- **The Purpose:** To build an authority financed highway linking E-470/I-25 to US36
- **The Financing:** User fee revenue bonds were used to fund the NWP – **No tax dollars**
- **The Reasons:**
  - ✓ To continue the extension of a Denver metropolitan beltway
  - ✓ To avoid the tax cost of building a major new regional roadway link
  - ✓ To ensure that development occurred in specified locations respecting planned open space
  - ✓ To relieve traffic on neighborhood streets



# The Northwest Parkway



## LOCATION



## OVERVIEW

- 8.9-mile, 75 mile per hour limited access highway forming the NW part of the beltway that connects US36 to I-25 and provides access to E-470, Broomfield and US287.
- Toll collection system includes one mainline toll plaza and 4 toll ramps, using GO-PASS (License Plate Toll) or EXpressToll (tag)
- The Parkway contains:
  - 23 bridge structures
  - 3 interchanges (I-25/E-470, Sheridan, US287)
  - 1 Maintenance yard and 1 Admin. Building
  - 7 Solar sites

Slide 4

	<b>Jul. 2001</b>	Ground breaking
	<b>Nov. 2003</b>	Ribbon cutting
	<b>Jan. 2004</b>	Toll collection begins
	<b>Oct. 2005</b>	Maintenance yard opens
	<b>Dec. 2005</b>	Sheridan interchange opens
	<b>Nov. 2007</b>	Concession lease signed
	<b>Dec. 2009</b>	New toll system and payment options
	<b>Jan. 2010</b>	100% non-stop tolling (cashless)
	<b>May 2011</b>	Solar Project
	<b>Aug. 2011</b>	Sticker Tags

# Northwest Parkway Concession



## Fundamentals

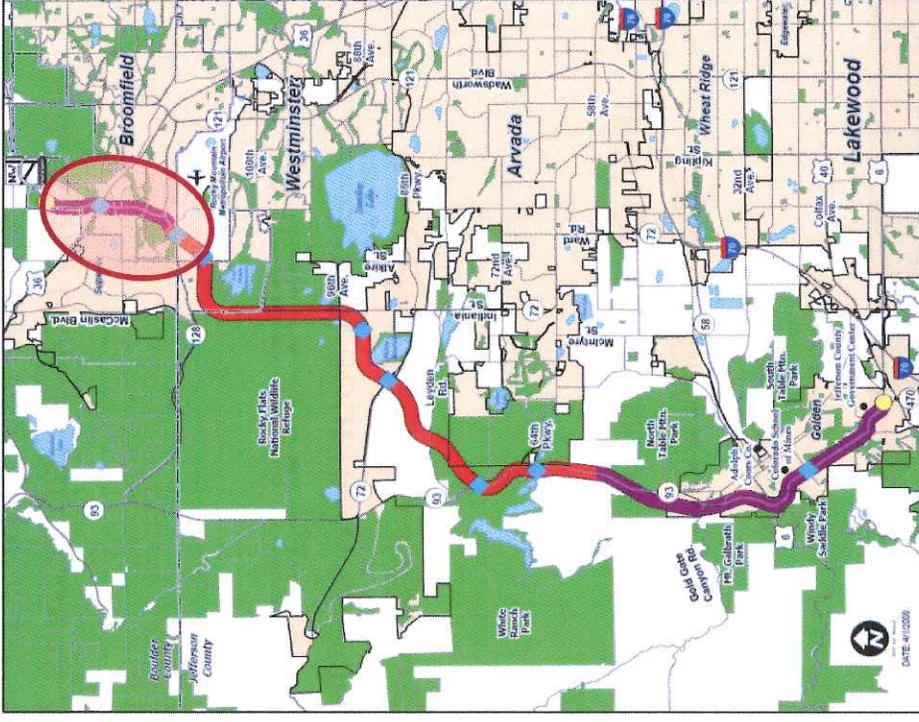
- Concession Lease Agreement was signed with Brisa (doing business as Northwest Parkway LLC) on November 21, 2007. At the end of the 99 year term, the Parkway reverts back to the Authority.
- Upon execution of the Concession and Lease Agreement, the NWPPHA transferred all capital assets to the Concessionaire in exchange for the defeasances of all outstanding bonds and reduction of a major portion of other long term liabilities (\$503M)
- The Concessionaire must operate the Parkway in accordance with the terms of the Agreement and all applicable laws and must kept the Parkway continuously open and operational for the use of all members of the public, 24 hours a day, every day, except for necessary closures permitted by the Agreement.

# Northwest Parkway Concession



## Expansion Possibilities

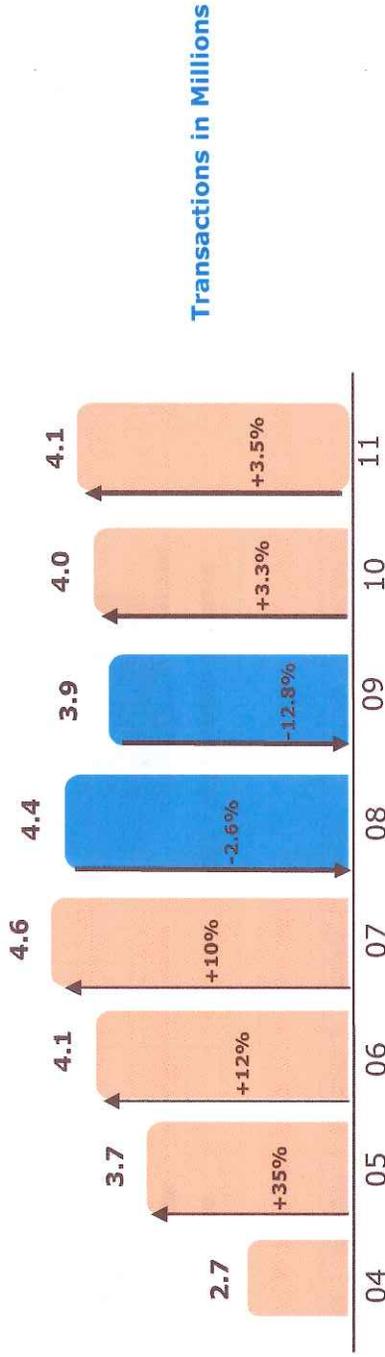
- Work on the possibility of extending the NWP (2.3 mile extension) to SH128, which together with the Jefferson Parkway and the linking to I-70 would complete the beltway around the metro Denver area, is underway.
- The Concession Agreement does not require the Concessionaire to build the extension, but the Concessionaire is required to contribute \$100 million towards the cost of the extension to SH128 if certain conditions are met:
  - ✓ Construction of both extensions are contracted to be completed by the end of 2020
  - ✓ Concessionaire gets the rights to toll, operate and maintain the NWP extension to SH128



# Traffic Evolution



## NWPKY Traffic Evolution



	2004	2005	2006	2007	2008	2009	2010	2011	2012
Jan	176,760	253,248	310,452	347,848	370,346	301,966	295,076	323,537	320,867
Feb	173,986	238,159	291,066	326,425	364,600	279,241	278,018	286,891	308,821
Mar	204,786	295,319	334,305	372,657	388,925	309,749	325,852	336,701	351,783
Apr	203,202	287,589	325,716	359,621	375,850	316,132	315,287	324,556	347,931
May	216,231	312,953	354,462	392,179	386,816	323,389	339,239	354,566	383,304
Jun	222,801	320,187	364,762	384,509	367,962	341,708	344,311	352,162	374,633
Jul	238,606	319,481	345,755	387,367	375,204	338,709	350,320	357,911	-
Aug	257,146	347,301	383,460	421,588	380,865	356,281	367,862	375,396	-
Sep	248,293	321,097	349,108	375,866	356,953	322,130	339,526	351,801	-
Oct	257,697	328,591	369,938	413,958	379,388	328,155	360,268	369,715	-
Nov	251,312	327,254	355,771	387,658	330,708	312,926	330,603	344,922	-
Dec	286,417	354,545	354,895	386,686	358,833	335,794	345,323	352,902	-
<b>Total</b>	<b>2,737,237</b>	<b>3,705,724</b>	<b>4,139,690</b>	<b>4,556,362</b>	<b>4,436,450</b>	<b>3,866,180</b>	<b>3,991,685</b>	<b>4,131,060</b>	<b>2,087,339</b>

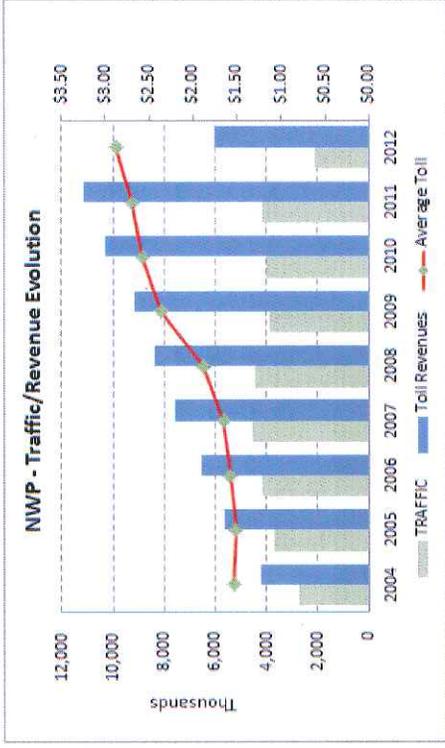
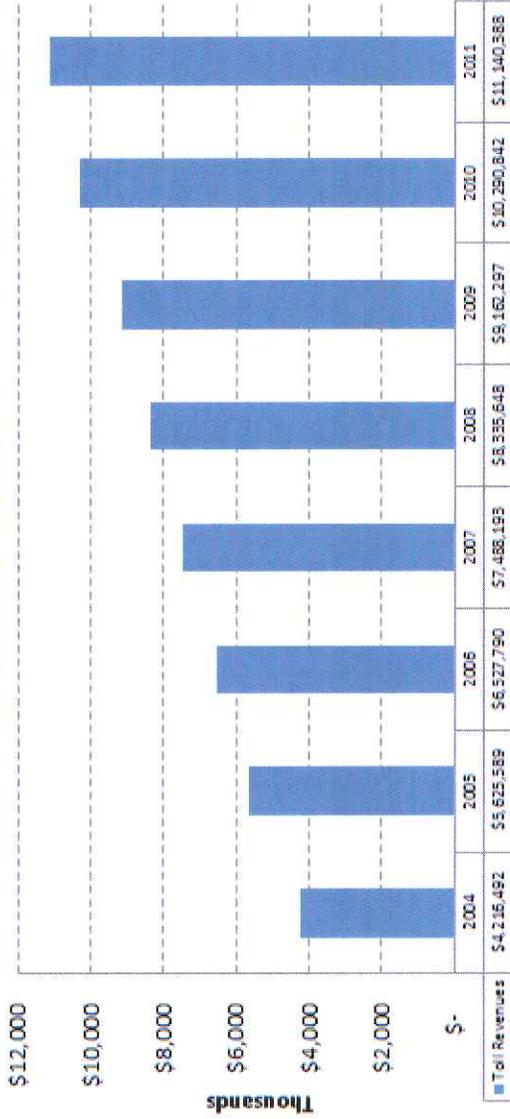
2012 - Not final.  
Unaudited data.

Steady traffic recovery still far below projections

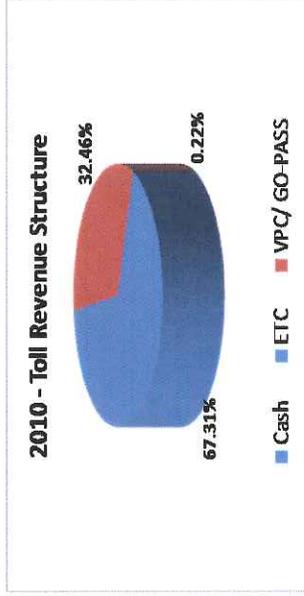
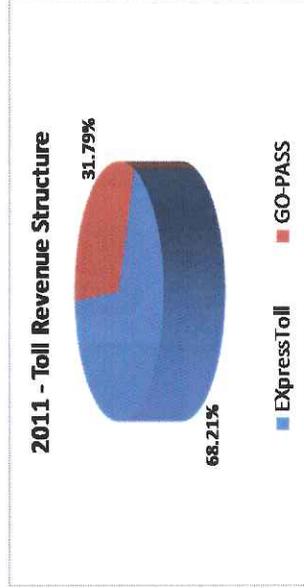
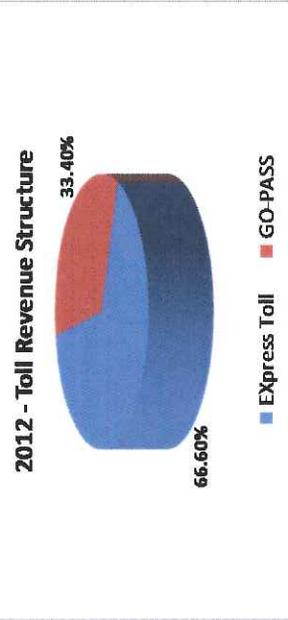
# Toll Revenues



## NWP Toll Revenues



2012 – Unaudited, not final.  
Source: Concessionaire



**In spite of traffic slowdown toll revenues grew sustained on toll rate increases**

# Toll Rates



## NWPKY TOLL RATES:

### Mainline

- 2 Axles \_\_\_\_\_ \$3.30
- Per Each Additional Axle \_\_\_\_\_ \$3.30

### Ramps (Sheridan and US287 interchanges)

- All Axles \_\_\_\_\_ \$1.00 \*

\* - GO-PASS Auto-bill and EXpressToll accounts benefit of a 5% discount at the ramps

### Notes:

- Presently tolls are not being charged based on axle at the ramp locations.
- Additional fees may apply depending on payment option.



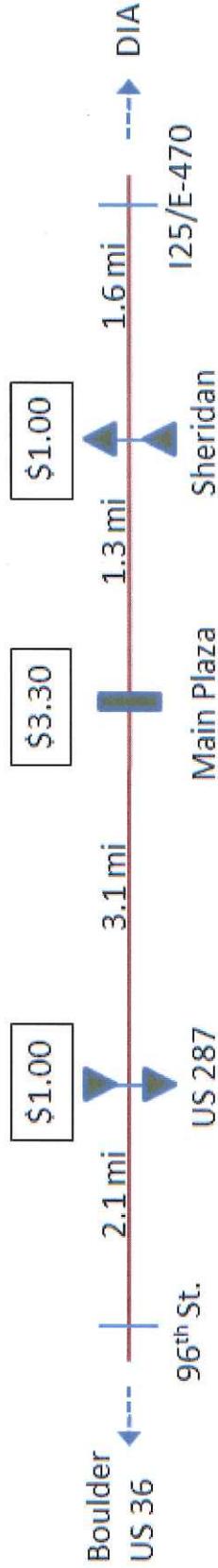
- Toll Point



- Interchange



- Base Rate (2 axle)



**Notices of pending toll changes were given to the Authority and the Public as required per the CLA**

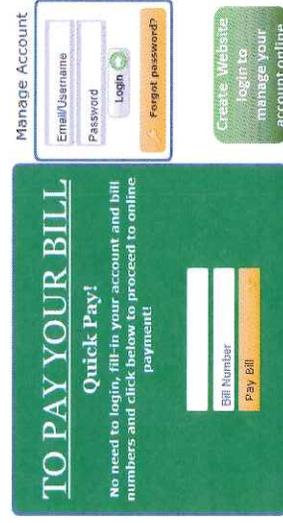
# All Electronic Tolling



On January 1, 2010 the NWP stopped collecting cash at the toll booths, extending the non-stop convenience to all and offering new alternative payment options (*GO-PASS*) besides *EXpressToll*.

## **GO-PASS bill payments can be made:**

- On-line: @ [www.go-pass.com](http://www.go-pass.com) – Credit/Debit Card
- By Mail: Check or Credit/Debit Card
- By Phone: Credit/Debit Card
- Automatic payment registration (Auto-Bill): CC/DC/ACH



**NWP:**



**E-470:**



**Cashless. No pre-registration is required, road accessible to all**

# Oversight



The Concession Agreement requires the oversight from a 3<sup>rd</sup> party Independent Engineer accepted by the parties to run periodic monthly inspections to the infra-structure (roadway and facilities) and toll system.

The 2011 Annual Inspection reported only minor deficiencies noted **an overall improved conformity to the safety condition of the entire facility.**

Noteworthy statistics from the 2011 annual report:

- ✓ Out of the 78 categories reviewed and scored, 100% were rated at a top-level score of 5.
- ✓ No category 1 defects.

*Definition of an Inspection Score = 5 is "...target for individual element is almost entirely met...and the element is fully functional...and meeting or exceeding performance expectations"*

*Category 1 defect definition: is a defect that presents an immediate hazard to users.*



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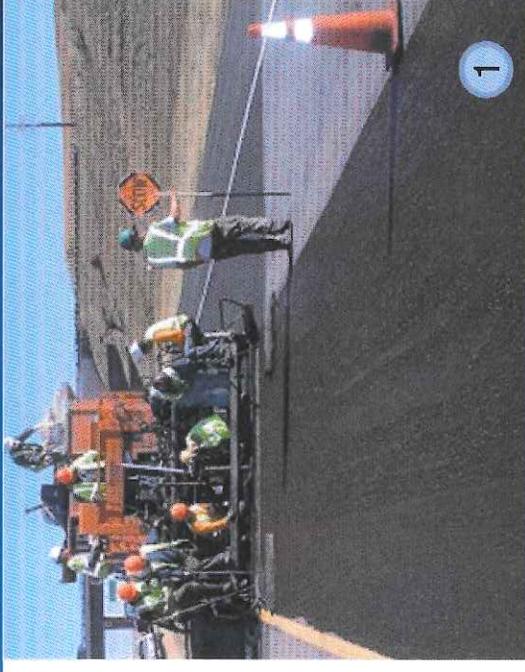
**Recent reports shows the road to be fit and fully functional**

# Maintenance



Examples of preventive and corrective road maintenance action plans that are implemented on an annual basis, as needed:

- 1) Micro-surfacing resurfaced areas for beta testing of new products and techniques
- 2) Road leveling and joint lifting (foam injection)
- 3) Roto-milling and asphalt resurfacing



**Continual preventative and proactive maintenance is practiced to mitigate more extensive corrective overhauls of pavement infrastructure**

# Sustainability



## Solar Project

- In 2011 Concessionaire entered into a Power Purchase Agreement to install Photovoltaic Solar Arrays at no cost and for a reduced electric rate.
- The project comprises of 7 individual systems (totaling 62 kW) along the Parkway. An estimated investment of about \$350k.
- The project was funded using the Renewable Energy Credits (RECs) generated and incentives offered by Xcel Energy. 100% funded by the provider (Soltura).
- Estimated energy cost savings of \$164,000 during the term, assuming a 4% Compound Annual Growth Rate on the electricity price.



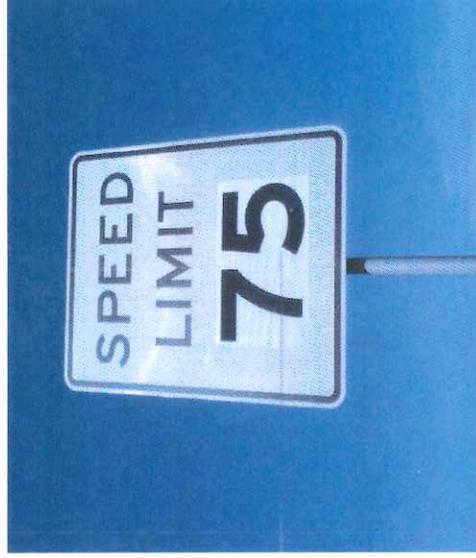
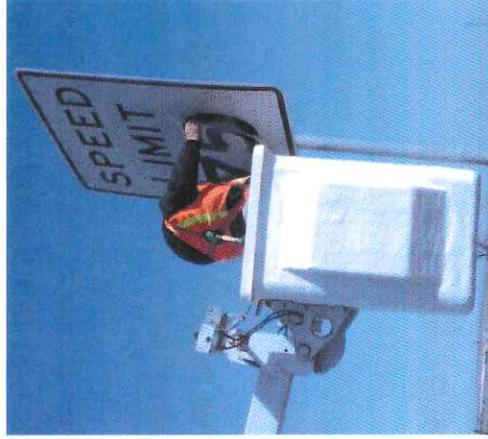
Estimated Environmental Benefits			
Unit: Tons	Carbon Dioxide (CO <sub>2</sub> )	Sulfur Oxides (SO <sub>x</sub> )	Nitrogen Oxides (NO <sub>x</sub> )
Year 1	91.0	0.119	0.137
Year 5	89.2	0.117	0.135
Year 10	87.0	0.114	0.131
Year 15	84.8	0.111	0.128
Year 20	82.7	0.108	0.125
Year 25	80.7	0.106	0.122
Year 30	78.7	0.103	0.119
<b>Total (30 yr.)</b>	<b>2,540.2</b>	<b>3.325</b>	<b>3.837</b>

## Reduction of Greenhouse Gas emissions

# Mobility



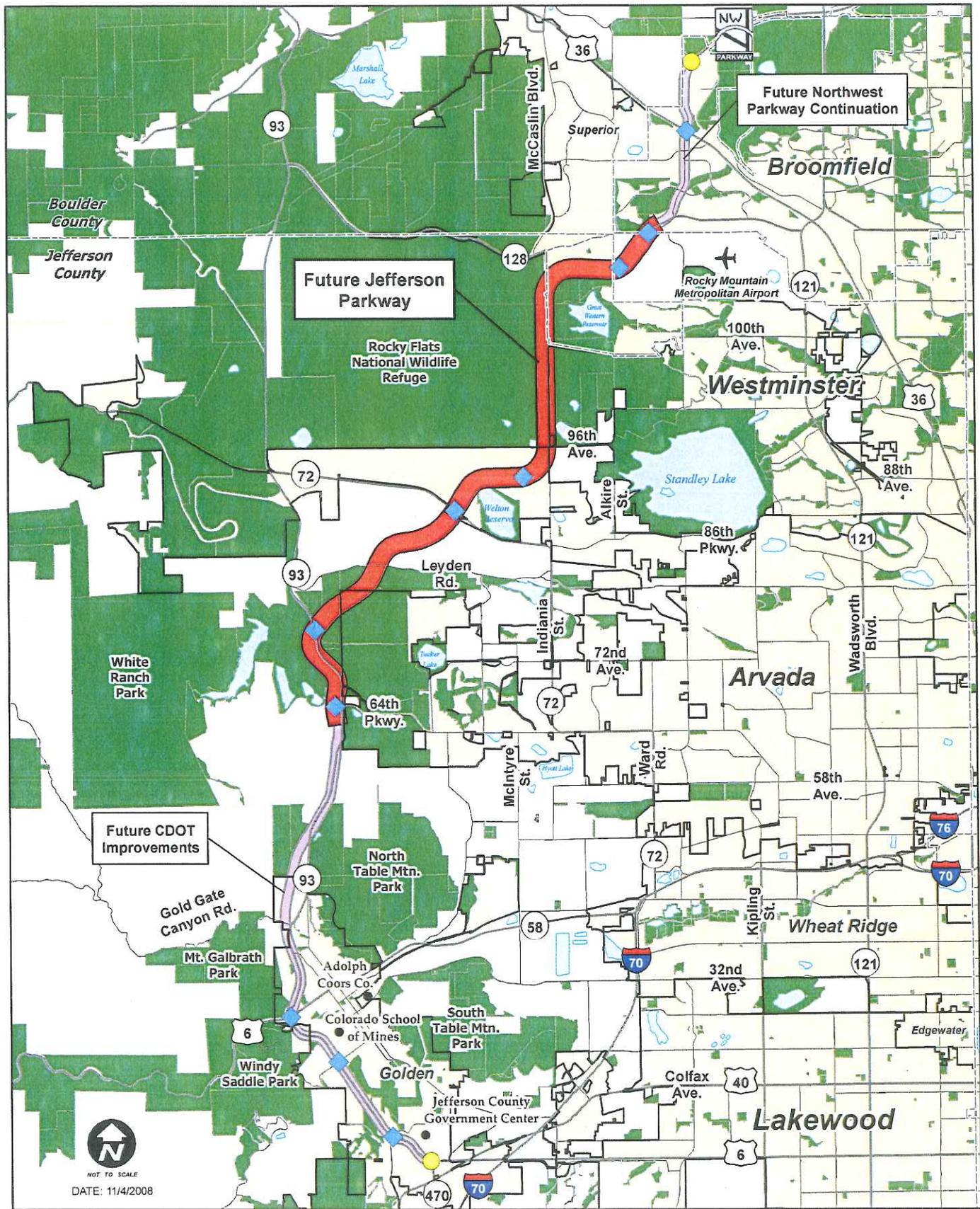
- Following NWPPHA Resolution (11-08), the LLC hired Stantec Consulting Services, to perform a feasibility speed limit study to increase the maximum speed limit to 75 mph. Later reviewed and approved by the City and County of Broomfield.
- On 3/5/12 the new speed limits were posted, in line with E-470 and I-25 maximum speed limits of 75 mph.



Thank You



Slide 15

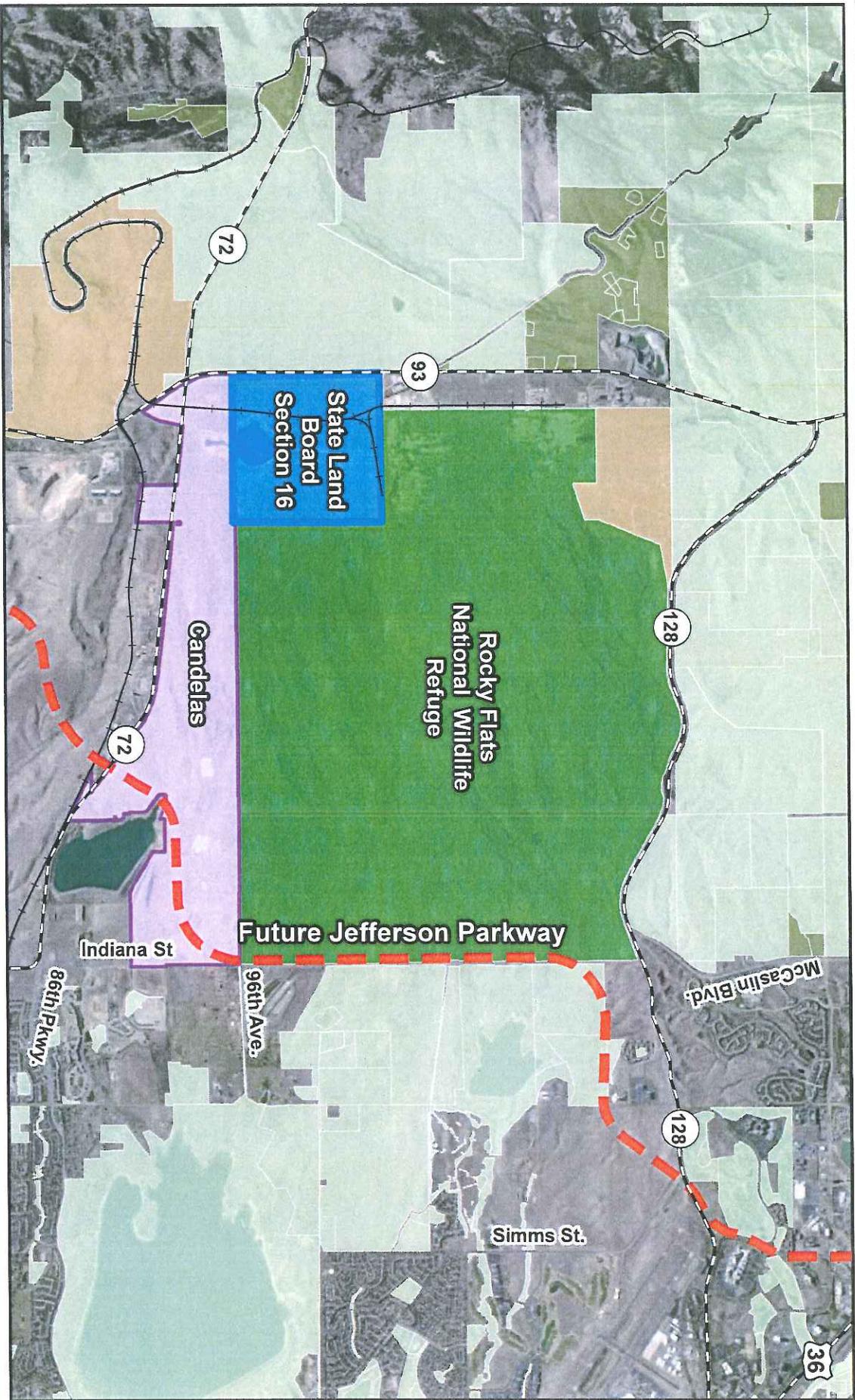


DATE: 11/4/2008

### Jefferson Parkway and other Future Regional Improvements

- Proposed Jefferson Parkway
- Proposed Other Major Regional Arterial
- Connections to Existing Beltway
- Interchange
- Open Space and Public Lands
- Cities
- Counties

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# JEFFERSON PARKWAY & SECTION 16 AREA



1:60,000  
0 5,000 Feet

## LEGEND

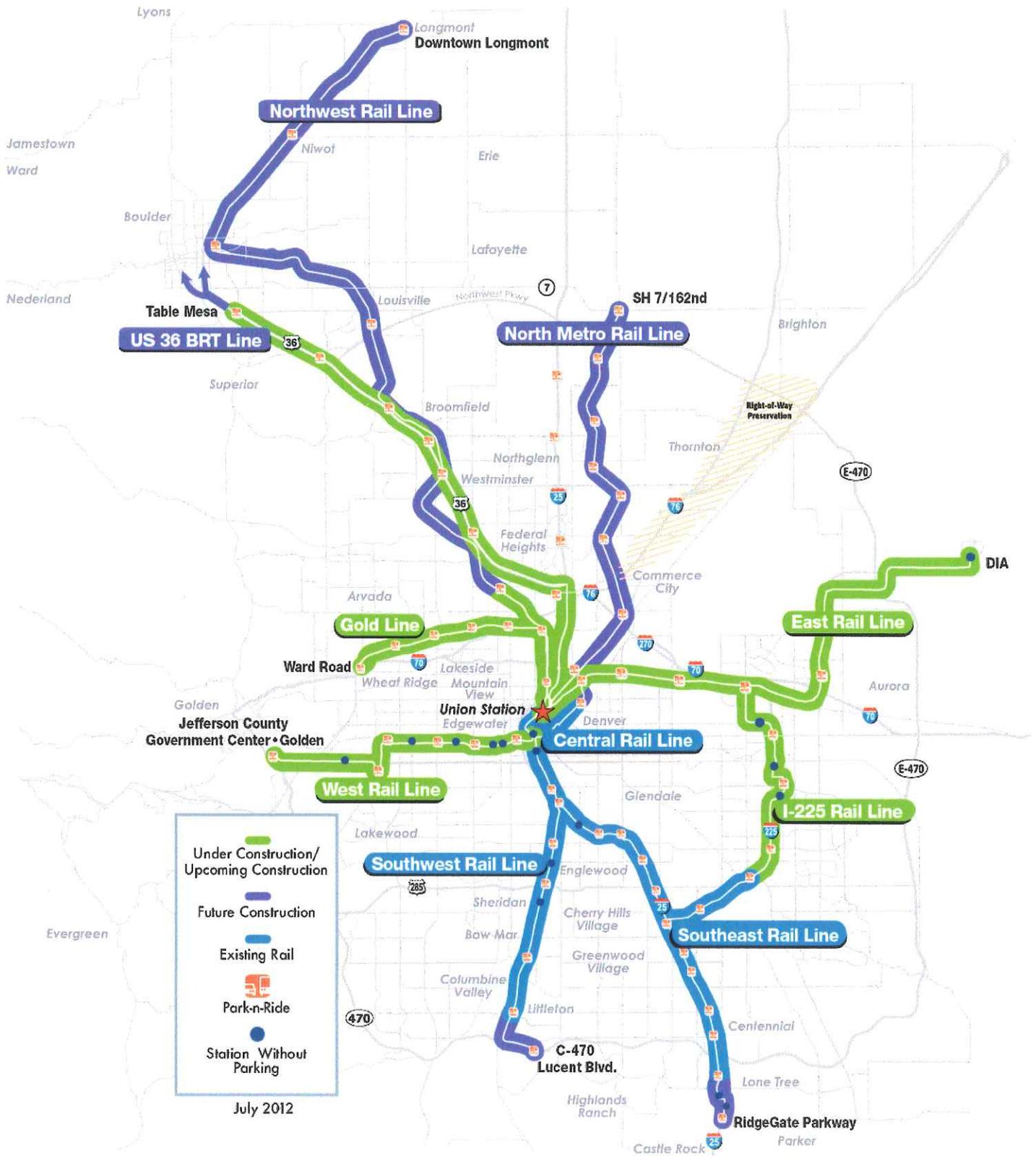
- Rocky Flats Section 16
- Future Jefferson Parkway
- Open Space and Parks
- Conservation Easement
- Candelas
- Other Public Lands
- Rocky Flats National Wildlife Refuge
- Highways
- Railroad

DATE: 8/9/2012 AERIAL DATE: 2011

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PROGRESS MAP



— Under Construction/  
Upcoming Construction  
— Future Construction  
— Existing Rail  
 Park-n-Ride  
 Station Without Parking

July 2012

  
 N  
 Not to Scale

# Transportation Regulation

Title 40, Article 10.1, C.R.S., provides the structure of PUC regulatory authority over The motor carrier industries. There are 5 parts to Article 10.1

## Part 1

- **Definition of terms used within the Article (10.1-101)**
- **Powers of the Commission. (10.1-102)**
  - "The commission has the power to and shall administer and enforce this article.
- **Subject to control by commission. (10.1-103)**
  - Common and contract carriers are public utilities and affected with a public interest and subject to Article 10.1 and 1-7.
  - Motor carriers are NOT public utilities, but affected with a public interest and subject to regulation to the extent provided in Article 10.1, and applicable provisions of Articles 2, 6 and 7.
  - A person shall not operate or offer to operate as a motor carrier in this state except in accordance with this article (10.1-104)
- **Transportation not subject to regulation.(10.1-105)**
  - private, ridesharing, children to and from school, hearses, ambulances, people service, volunteer
  - Transportation by motor vehicles designed and used for nonemergency transportation of people with disabilities
  - Transportation of property, except towing and household goods.
  - Transportation by vehicles operated upon fixed rails
  - Transportation performed by the Federal Government
  - Transportation of repossessed property by a secured creditor
- **C3 authority - make rules & prescribe rates. (10.1-106)**
  - Rules covering the operations of mc's and admin of article
    - Ensure public safety, financial responsibility, consumer protection,
    - Service quality, provision of service to public
  - Circumstances under which a towing carrier may perform a nonconsensual tows
    - The rates and charges which may be collected
  - Administration of fingerprint-based criminal history record check(taxi, limited regulation)
- **Financial responsibility - filing (10.1-107)**
  - Each motor carrier shall maintain and file with the Commission evidence of financial responsibility
  - Policies shall be kept continuously effective during the life of the certificate or permit
  - No termination is valid unless the insurer notifies both the insured and the Commission at least 30 days before the effective date
- **C3 to make safety rules (10.1-108)**
  - Commission has the authority and duty to establish safety rules
  - Limited to parts 2 and 3 (common, contract, and limited regulation)
  - Motor carriers subject to parts 2 and 3 must comply with safety rules (10.1-109)
- **Criminal history record checks (10.1-110)**
  - Individuals wishing to drive either a taxi or vehicle operated by a limited regulation carrier are subject to record check
- **Filing, issuance, annual fees (10.1-111)**
  - Part 2 filing fee \$35 (taxi in metro area administratively set (\$800))
  - Part 4 filing fee is \$150 annual fee
  - Part 5 filing fee - administratively set <=\$325
  - Stamp fee - administratively set, currently \$5

- **Commission may take action against a cert or permit (10.1-112)**
  - After hearing, upon notice and proof of violation
    - Order to cease and desist
    - Suspend, revoke, alter, amend certificate or permit
    - Summary suspension for failure to maintain effective insurance
  - Certificates or permits revoked for cause (not insurance) more than twice
    - Not eligible for a certificate or permit for a period of two years.
  - Motor carriers have the rights of hearing, review and appeal
- **Penalties for violations (10.1-113 and 114)**
  - Class 2 misdemeanor
  - Subject to civil penalties provided in sections 40-7-112 through 116, C.R.S.

## Part 2 Common and Contract carriage

### Common carrier definition -

every person directly or indirectly affording a means of Transportation, or any service of facility in connection therewith, within this state By motor vehicle or other vehicle whatever by indiscriminately accepting and carrying Passengers for compensation (Excludes service identified in 105 (not regulated) or parts 3, 4, or 5)

### Contract carrier definition -

every person, other than a common carrier or a motor carrier of passengers under part 3, who by special contract directly or indirectly affords a means of passenger transportation over any public highway of this state.

Depending on the area and proposed service, there are now a variety of standards which must be applied by the Commission before an applicant is allowed entry. These standards are subjective, complex, and difficult to interpret.

### Certificate or permit is required (10.1-201 and 202)

#### Rules for issuance of Certificate (10.1-203)

- Taxi service within and between counties of < 70K - regulated monopoly.
- Taxi service within and between counties of >=70K - regulated competition.
- Taxi service in the counties of Adams, Arapahoe, Boulder, Denver, Douglas, El Paso and Jefferson - modified regulated competition.
- Non Taxi service (statewide) - regulated monopoly.

For every transportation application adjudicated before the Commission, the Commission must make multiple findings.

- First, C3 must make a determination regarding public need.
  - Then, in the case of regulated monopoly, it must determine if the incumbent service is substantially inadequate, or
  - in the case of regulated competition, that the grant of an application would or would not create destructive competition.
- In cases of a modified regulated competition entry standard
  - Applicant has initial burden of proving it is operationally and financially fit
  - Applicant need not prove inadequacy of existing taxicab service
  - If applicant sustains this burden, there is a rebuttable presumption of public need and any party opposing the application shall prevail upon proving that the public convenience and necessity does not require granting the app.
- These findings are made in each and every transportation application that comes

before the Commission.

#### **Temporary Authority - (10.1-204)**

If there is an immediate and urgent need to any point having no such service the Commission may without hearing grant temporary authority

- Temporary authority - valid for a period not to exceed 180 days
- Emergency authority - valid for a period not to exceed 30 days

#### **Transfer of Authority - (10.1-205)**

The rights obtained under a certificate or permit that are held, owned, or obtained may be sold, assigned, leased, encumbered, or transferred as other property, subject to Commission approval.

#### **Rates (10.1-206)**

- Common carriers must advertise and charge the rates on file with the Commission
- Contract carriers - when competing with common carriers - rates must not be less than common carriers
- Rates must be on file with the Commission

### **Part 3 Limited regulation carriers**

Charter Scenic Bus, Children's Activity Bus, Luxury Limousine, Fire Crew Transport, Off-road Charter

- PUC must issue permit upon filing of application and filing of proof-of-Insurance
- No application fee
- \$5 per vehicle annual fee
- Carriers are subject to specific operational restrictions (i.e. charter, school activities, off paved roads)
- Subject to safety oversight,
- Drivers for carriers are subject to finger print based back ground checks
- Must be revoked 3 times before the Commission can refuse to issue

### **Part 4 Towing carriers**

Permits are valid for a period of 1 year.

Application/renewal fee of \$150

PUC must issue permit upon filing of application, filing of proof-of-workers Compensation Insurance and proof of financial responsibility (liability, cargo, garage keepers)

\$5 per vehicle annual fee

Rate regulation for nonconsensual tows

C3 may revoke permit for violation of Article or failure to pay civil penalty

C3 may deny an app of someone who has been convicted of a felony, or failed to pay a Civil penalty. Owners, principals, officers, member or directors may be disqualified from obtaining permit for a period of five years for failure to pay civil penalty.

PUC doe NOT receive any financial gain from payment of civil penalties.

PUC and CSP may inspect carrier's facilities and vehicles.

### **Part 5 HHG carriers**

Permits are valid for a period of 1 year.

Application/renewal fee of \$325

Not subject to annual vehicle fee

C3 shall issue a permit upon completion of app and compliance with financial responsibility (liability and cargo insurance)

Temporary permits (15 days) may be issued by POE

App may be denied for failure to pay civil penalty includes directors, officers, owners, or

## General partners

A mover w/o a permit is not able to acquire a mover's lien (10.1-503)

Additional requirements for movers - advertising, contracts, delivery and storage, binding arbitration (10.1-504 - 507)

## Article 10.5 Unified Carrier Registration System

Registration is required of motor carriers, motor private carriers, brokers, freight forwarders, leasing companies, or other person required to register with the US DOT.

PUC administers the program for the State of Colorado

Promulgates rules for administration and enforcement of this article

## PUC Transportation Section

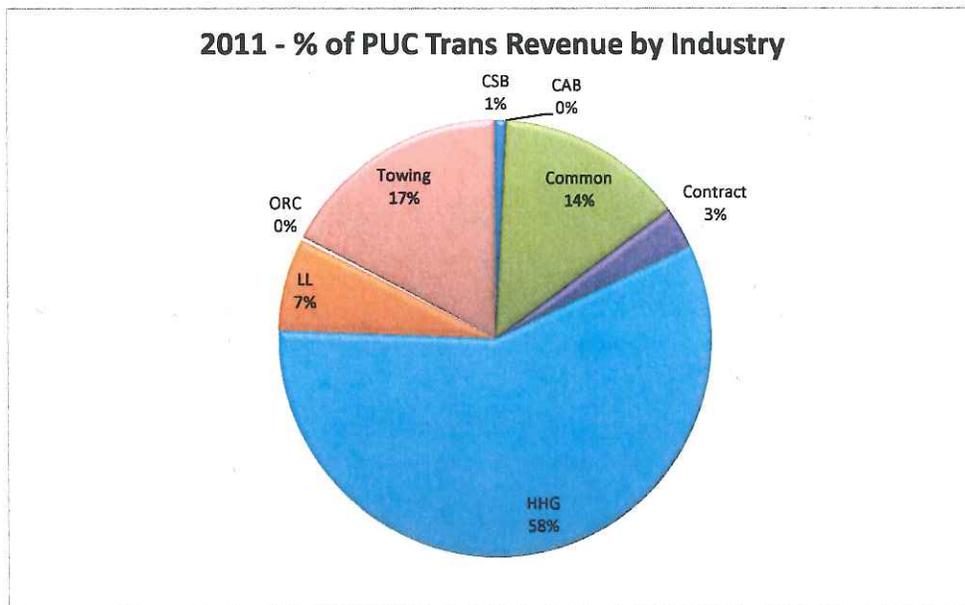
### Rates and Authorities - 4 FTE (Rate/Financial Analysts)

Reactive - processes applications as they are filed, prepares notices of applications advises commission on docketed transportation issues, analyzes rate filings

### Compliance and investigations - 3 FTE (Criminal Investigators)

Proactive - vehicle inspections, record inspections, complaint investigations, initiate enforcement actions, party to said proceedings.

## PUC Transportation Section Funding (Non UCR)



### 2011 Revenue by Permit Type:

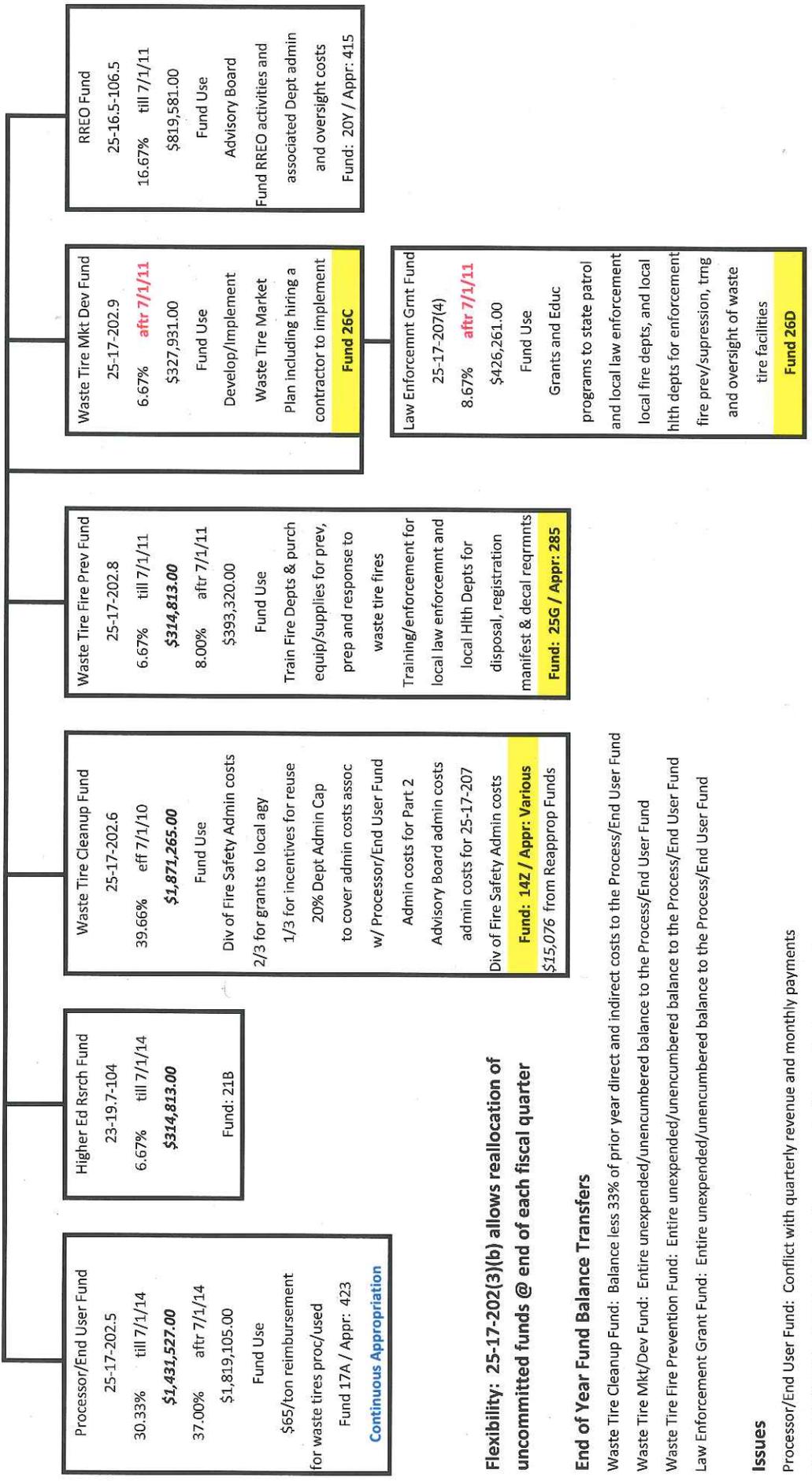
CAB	\$10	CSB	\$1,060	Common	\$17,045	Contract	\$3,740
HHG	\$69,500	LL	\$8,255	ORC	\$320	Towing	\$20,940
						Total:	\$120,870

UCR Revenue: \$1,476,514

# HB 10-1018 Waste Tire Bill

Revenue: \$1.50 per new tire sold      Tires Sold: 3,333,333  
 Estimated Total Revenue: \$5,000,000

Dept of Revenue  
 25-17-202(3)(a)  
 1.67% for Admin  
 \$83,500.00



**Flexibility: 25-17-202(3)(b) allows reallocation of uncommitted funds @ end of each fiscal quarter**

**End of Year Fund Balance Transfers**

Waste Tire Cleanup Fund: Balance less 33% of prior year direct and indirect costs to the Process/End User Fund  
 Waste Tire Mkt/Dev Fund: Entire unexpended/unencumbered balance to the Process/End User Fund  
 Waste Tire Fire Prevention Fund: Entire unexpended/unencumbered balance to the Process/End User Fund  
 Law Enforcement Grant Fund: Entire unexpended/unencumbered balance to the Process/End User Fund

**Issues**

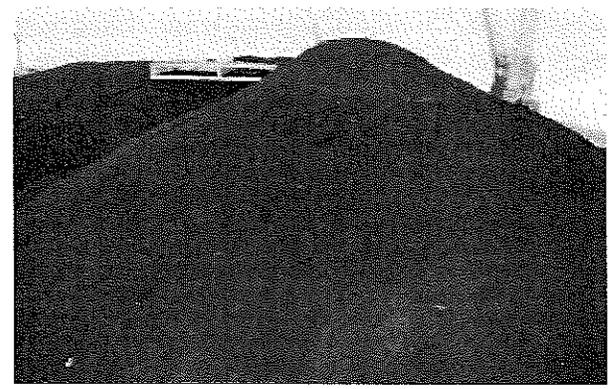
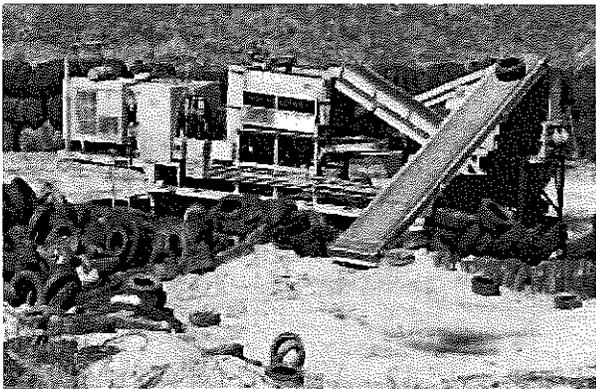
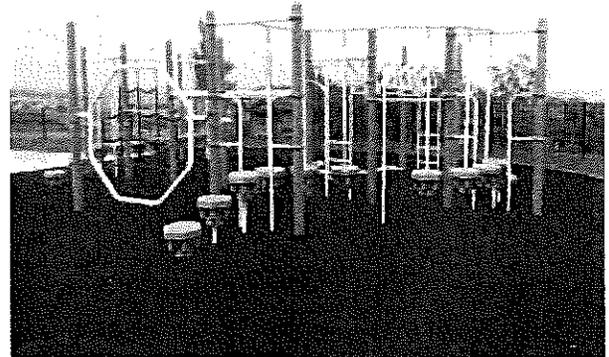
Processor/End User Fund: Conflict with quarterly revenue and monthly payments  
 Revenue Estimates: Unclear as to whether revenue is either cyclical or seasonal



Colorado Department  
of Public Health  
and Environment

# Status of Waste Tire Recycling in Colorado

## 2011 Annual Report to the Transportation Legislation Review Committee



# Executive Summary

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Calendar year 2011 marks the eighth year the Colorado Department of Public Health and Environment (the department) has compiled data related to the number of waste tires collected at waste tire processing, collection and storage facilities and by waste tire haulers and end users in Colorado and the status of Colorado's Waste Tire Program. Waste tire processing facilities are processing tires into different tire-derived products that are used as tire-derived fuel, as alternative daily cover at solid waste landfills, as fencing and windbreaks, and as safety products. Tires stored in monofills will be reused at a later date for various tire-derived products, including tire-derived fuel. The second largest monofill is close to obtaining the necessary permits to burn processed tire shreds, or tire chips, as fuel to power a cement kiln. Additionally, the Colorado Waste Tire Program passed two sets of regulations in 2011 regarding waste tire management and implementation of the waste tire processor and end use reimbursement fund.

This 2011 calendar year annual report on waste tire recycling in Colorado is being transmitted to the Transportation Legislation Review Committee as

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*'Waste tire processing facilities are processing tires into different tire-derived products'*

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required by House Bill 04-1428 and section 25-17-202.7, C.R.S. The statute requires the department to issue a report to the Transportation Legislation Review Committee on or before July 1st each year that includes the total number of waste tires recycled in the state. This information is submitted to the department pursuant to the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Sections 10.3.6, 10.5.7, 10.6.7 and 10.7.7).

The department gathers this information through annual reporting from waste tire processing, collection and storage facilities and waste tire haulers and end users. To improve the data received, the department continued outreach efforts to educate waste tire facility operators regarding their compliance and reporting responsibilities.



**Colorado Department of Public Health and Environment  
Hazardous Materials and Waste Management Division  
Solid Waste and Materials Management Program**



**Principal Author:** Shana Baker, Environmental Protection Specialist

**Contributing Authors and Technical Assistance:**

Charles G. Johnson, Solid Waste and Materials Management Program Manager  
Brian Gaboriau, Waste Tire Grants Administrator  
Nick Boudreau, Environmental Protection Specialist  
David Snapp, Environmental Protection Specialist

**Date:** June 27, 2012

**For additional information or copies:**

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4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
(303) 692-3348

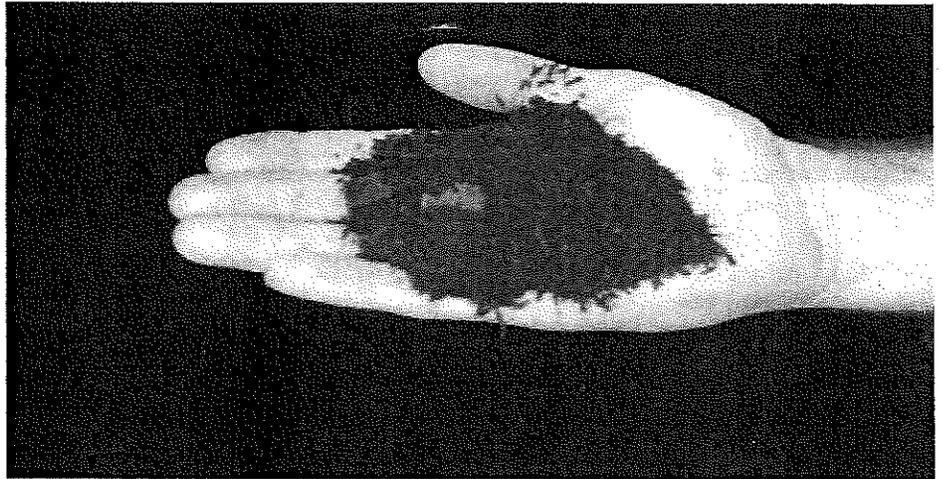
# Waste Tire Update

Data submitted to the department by waste tire facilities (waste tire processing and collection facilities and waste tire monofills) and waste tire haulers and end users indicates there were 5,014,143 waste tires generated in the state of Colorado during calendar year 2011. Considering Colorado's latest census population estimate of 5,116,796 people, this rate of waste tires generated is slightly less than the accepted nationwide industry standard that predicts a waste tire generation rate of one waste tire/person/year.

A total of 493,457 of the 5,014,143 waste tires generated in Colorado in 2011 were hauled to a recycling facility in Utah for processing and 715 waste tires were transported to a tire disposal facility in New Mexico. Conversely, 422,160 waste tires were shipped to Colorado waste tire facilities from out-of-state sources.

Colorado waste tire processors, and a Utah-based waste tire processing facility that processed Colorado-generated tires recycled a total of 5,097,944 tires in 2011. This corresponds to 100 percent of the tires generated in 2011 by Colorado sources being recycled (Page 5, Figure 1). This figure represents an increase from the 93 percent recycling rate achieved in 2010 and an overall increase in the number of tires recycled.

The 100 percent recycling rate indicates that processing facilities in Colorado and surrounding states processed a number of tires equivalent to the number of waste tires generated in Colorado. However, these processors only had the capacity to recycle 93.8 percent (5,097,944) of the total



*Tires can be processed into various sizes to meet end use specifications.*

number of tires generated in Colorado plus those sent to Colorado from states to the east and northeast (5,436,303 total tires).

Figure 2 (Page 5) provides an annual comparison of Colorado's waste tire recycling rates for the last eight years. The waste tire recycling rates remained relatively consistent each year until 2009 when the recycling rate moved up sharply to levels above 90 percent. This increase can be attributed to more accurate data collection methods, identification of an out-of-state recycler of Colorado tires and an increase of tires used as tire-derived fuel.

Figure 3 (Page 5) captures the top 10 end-use markets for waste tires recycled during calendar year 2011. Of the 10 end-use markets identified, the top five included the processing of waste tires to be used as tire-derived fuel by cement kilns, use of tire shreds as alternative daily cover at solid waste landfills, the processing of waste tires into crumb rubber for use in roadways and molded rubber products, resale of salvage tires

for reuse or retreading, and tire bales for use as fencing and windbreaks.

Figure 4 (Page 5) reflects the number of waste tires in storage at registered waste tire facilities statewide at the end of calendar year 2011. The on-site waste inventory increased by 69,452 tires during the year. As of 2011, 60,274,182 waste tires were stored in tire monofills while 969,421 waste tires were stored temporarily at waste tire processing and collection facilities.

In general, in 2011 a majority of waste tire processing and collection facilities decreased their storage inventory by increasing waste tire processing capacity or shipping tires offsite for processing into tire-derived product. Figure 5 (Page 5) illustrates the amount of waste tires used as products. In 2010, 4,519,277 tires went to end-use markets. In 2011, that figure grew to 5,097,944, an 11 percent increase in the number of tires going to end-use markets. The number of tires going to end-use markets increased by 2.5 percent in 2009 and by 7.5 percent

*Continued on next page...*

# Waste Tire Update

*Continued from previous page...*

in 2010. This increase represents a continuing trend of more waste tires going to end-use markets within and outside of Colorado.

By contrast, Figure 6 (Page 5) describes a further decline in the number of waste tires added to waste tire storage inventories in 2011. During 2008, 783,000 waste tires entered the waste tire storage inventory, compared to 572,121 tires entering waste tire inventory in 2009 and an increase to 604,151 tires in 2010. The department observed a decline in 2011 with only 69,452 additional waste tires entering

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*'In 2011, the number of waste tires going to end-use markets grew to 5,097,944, an 11 percent increase over 2010.'*

---

waste tire storage inventories due to the removal of waste tires from temporary storage at processing and collection facilities and tires processed into tire-derived product for end use.

## Fire Prevention Fund Update

Waste Tire Fire Prevention Funds funded a Dec. 10, 2011 Scrap Tire Prevention and Firefighting Seminar in Colorado Springs. Twenty attendees from the El Paso County area learned about fire prevention and planning, equipment and supplies used to fight a tire fire, and health and safety aspects of fighting a tire fire.

## Regulatory Authority and Program Elements

The Colorado Department Public Health and Environment Department's Solid Waste and Materials Management Program, located within the Hazardous Materials and Waste Management Division, and the Division of Environmental Health and Sustainability are responsible for overseeing the Waste Tire Program.

The Solid Waste and Materials Management Program is responsible for ensuring compliance with laws and regulations pertaining to waste tire management and administers the waste tire fire prevention and law enforcement grant funds. The Division of Environmental Health and Sustainability Waste Tire Program provides funding for the reuse or recycling of waste

tires generated in Colorado through the processor and end user, recycling incentives, illegal waste tire cleanup, and waste tire market development grant funds.

The Waste Tire Program receives no monies from Colorado's General Fund and is 100 percent fee supported. Senate Bill 09-289 changed how the Colorado Department of Revenue collects the \$1.50 tire fee to support the Waste Tire Program, shifting collection to each new tire sold in Colorado rather than collecting the fee at the disposal point.

House Bill 10-1018 allocated funding from the \$1.50 fee to cover program staff and administrative costs, and appropriated a percentage of the fee to cover the five department-administered grant funds:

- Processor and End User Fund: Funding for waste tire processors and end users to encourage the use of waste tires.
- Waste Tire Cleanup Fund: Provides grants to counties and municipalities for the removal of illegally disposed waste tires.
- Waste Tire Market Development Fund: To develop markets for waste tires.
- Waste Tire Fire Prevention Fund: Provides grants to fire agencies to purchase tire fire equipment and supplies and to fund training.
- Law Enforcement Grant: Grants to law enforcement and fire agencies for waste tire enforcement/oversight.

# Waste Tire Update

## Waste Tire Cleanup Fund Update

The Waste Tire Cleanup Fund provides funding for the cleanup of illegal or abandoned waste tire sites and offers incentives to use waste tires in public projects. Funds are split two-thirds for cleanup and one-third for incentives.

Counties and municipalities may apply for funding year round. The department works with counties and municipalities to ensure the sites fit the definition of “illegal” or “abandoned.”

Seven cleanups in six counties were completed in 2011. The total cost was \$342,157 with a total of 147,826 illegal or abandoned waste tires removed (see chart below). Cleanup project costs can vary among sites depending on where the cleanup site is located, the site’s topography, and if tires are above ground or buried.

Grantee Name	Funds Spent for Cleanup	Tires Removed
Conejos County	\$50,000	5,800
Larimer County	\$49,938	17,265
Fremont County	\$30,250	7,559
El Paso County (2 sites)	\$10,104	8,154
Mesa County	\$155,765	25,000
Arapahoe County	\$46,100	84,048
Total:	\$342,157	147,826

## Processor & End User Fund Update

Funds for the beneficial use of waste tires are available to both processors and end users. Monthly reimbursements are based on approved tons and available funding.

From January through June 2011, \$710,857 was reimbursed for 24,987 approved tons (processed and end used). From July through December 2011, \$2,404,941 was reimbursed for 27,000 processed approved tons and 19,864 end used approved tons.

The passage of 6 CCR 1007-2 on July 1, 2011 changed the reimbursements calculation to a 2:1 ratio of end-used waste tires to processed waste tires.

*'Seven cleanups in six counties were completed in 2011. The total cost was \$342,157 with a total of 147,826 illegal or abandoned waste tires removed.'*

## Recycling Incentives Update

The Waste Tire Cleanup Fund also incentivizes the use of Colorado waste tires in public projects to promote tire-derived products around the state. Projects include playground surfacing, athletic fields and infill for existing recycled turf surfaces.

During 2011, 11 recycling incentive grants in seven counties were completed. The total amount awarded was \$612,044, using 112,301 waste tires (see chart below).

Organization	Funds Spent on Project	Tires Used (approx.)
Adams State College	\$65,812	26,000
Lewis Palmer School District #38	\$10,930	1,840
Cheyenne Mountain School District 12 (3 projects)	\$218,096	25,827
City of Evans	\$39,163	7,035
Pueblo County School District	\$77,555	7,390
Town of Severance	\$49,057	6,003
Centennial School District R-1	\$66,281	11,675
Liberty J-4 School District	\$45,150	8,931
City of Aspen	\$40,000	17,600
Total:	\$612,044	112,301

# By the Numbers: Overview of Colorado's Waste Tire Activity

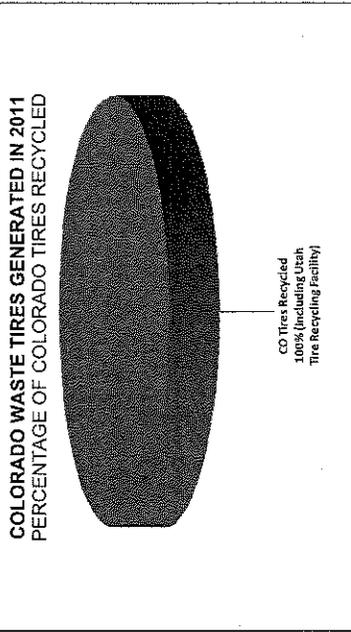


Figure 1

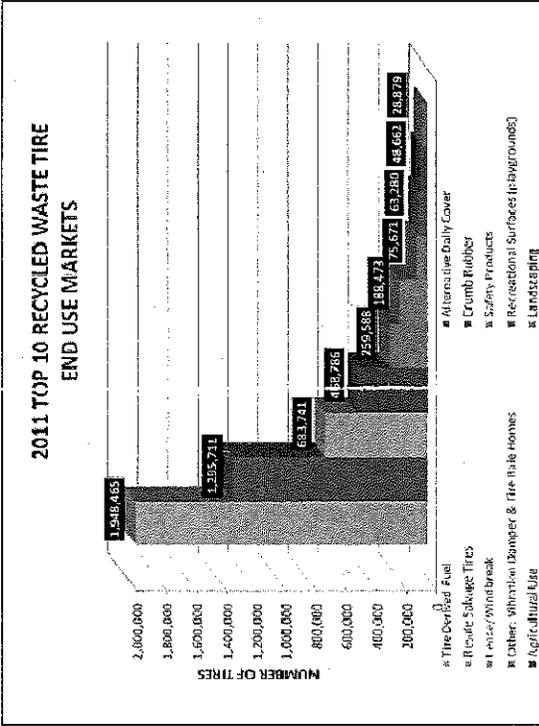


Figure 3

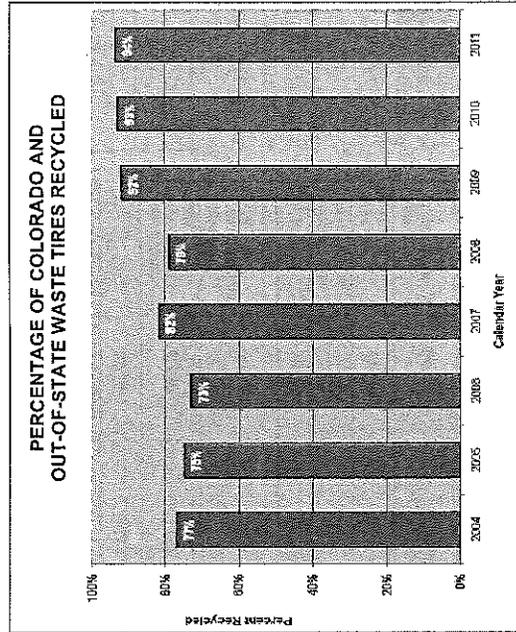


Figure 2

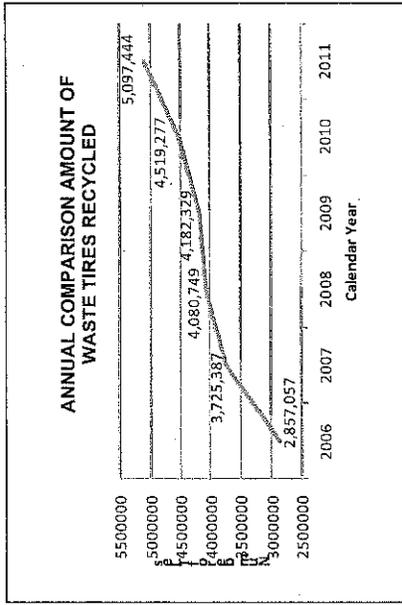


Figure 5

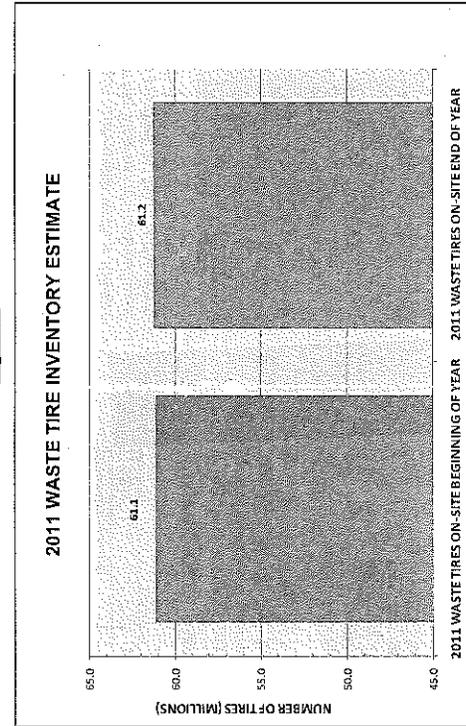


Figure 4

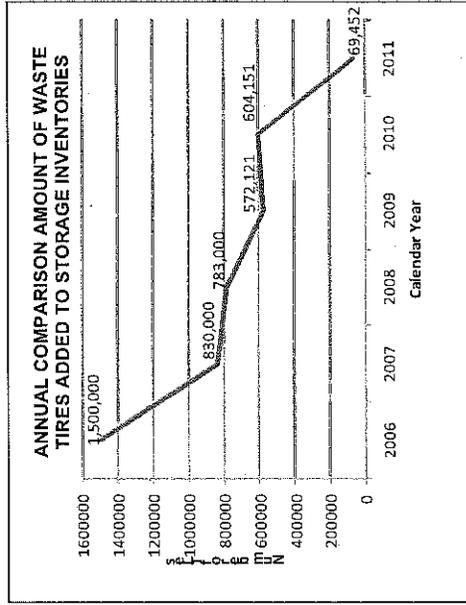


Figure 6

# Meet the Waste Tire Program Staff

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## Charles Johnson

Charles Johnson is the Solid Waste and Materials Management Program Manager at the Colorado Department of Public Health and Environment. Charles has worked with the Hazardous Materials and Waste Management Division since 1991. He has issued hazardous waste operating and post-closure permits and provided oversight for corrective action site inspections and characterization, remediation, and post-closure care projects. Charles has presented at conferences and was an instructor for ITRC courses on alternative landfill technologies and ecological reuse. Charles is the current ASTSWMO Subtitle D Task Force Chair and a member of SWANA. He earned a bachelor's degree in geology from the University of Texas in Austin in 1980, a master's in geology from Texas A&M in College Station in 1983, and a master of science in civil engineering from the University of Colorado in Denver in 1992. Charles may be reached at: (303) 692-3348 or [charles.johnson@state.co.us](mailto:charles.johnson@state.co.us).

## Shana Baker

Shana Baker is an Environmental Protection Specialist for the Hazardous Materials and Waste Management Division. Shana has been with CDPHE since 2003. She works in the waste tires and waste grease arenas in the Solid Waste and Materials Management Program and was involved in the development and promulgation of the regulations related to waste tires, waste grease and medical waste. Shana is involved in public educational outreach, compliance assistance, regulatory compliance/enforcement, data management, and waste tire fire and law enforcement grant funding. She is a graduate of Colorado State University with a bachelor of science degree in environmental health and has a master's degree from the University of Denver in environmental policy and management (environmental health and safety concentration). Shana may be reached at: (303) 692-3305 or [shana.baker@state.co.us](mailto:shana.baker@state.co.us).

## Nick Boudreau

Nick Boudreau is an Environmental Protection Specialist for the Hazardous Materials and Waste

Management Division. Nick has been with the department since February 2011. Among his responsibilities are the development and promulgation of the waste tire solid waste regulations related to House Bill 10-1018 - Waste Tire Facilities and Waste Tire Haulers and waste grease regulations related to House Bill 10-1125 - Waste Grease Facilities, Transporters and Personal Users of Grease. His duties also include public educational outreach, compliance assistance and regulatory compliance/enforcement, data management, and waste tire fire and law enforcement grant funding. He is a graduate of Illinois State University with a bachelor of science degree in environmental health. Nick may be reached at: (303) 692-3459 or [nicholas.boudreau@state.co.us](mailto:nicholas.boudreau@state.co.us).

## Brian Gaboriau

Brian Gaboriau is a Waste Tire Grants Administrator in the Division of Environmental Health and Sustainability. Brian has been with the department since August 2008. Brian's responsibilities include the development and promulgation of the waste tire processor and end user reimbursement regulations related to House Bill 10-1018, managing the Waste Tire Cleanup, Recycling Incentives, and Market Development Grant Funds and reimbursements for the Processor and End User Program. He is a graduate of the University of Northern Colorado with a bachelor of science degree in business administration (management) and Regis University with a master of business administration degree in international business. Brian may be reached at: (303) 692-2090 or [brian.gaboriau@state.co.us](mailto:brian.gaboriau@state.co.us).

### Waste Tire Resources on the Web

#### Waste Tires Home Page:

[www.cdphe.state.co.us/hm/wastetires](http://www.cdphe.state.co.us/hm/wastetires)

#### Waste Tires Forms:

[www.cdphe.state.co.us/hm/sw/swforms.htm#tire](http://www.cdphe.state.co.us/hm/sw/swforms.htm#tire)

#### Grants and Incentives:

[www.cdphe.state.co.us/oeis/wtprog/wastetire.html](http://www.cdphe.state.co.us/oeis/wtprog/wastetire.html)

# Waste Tire Legislation

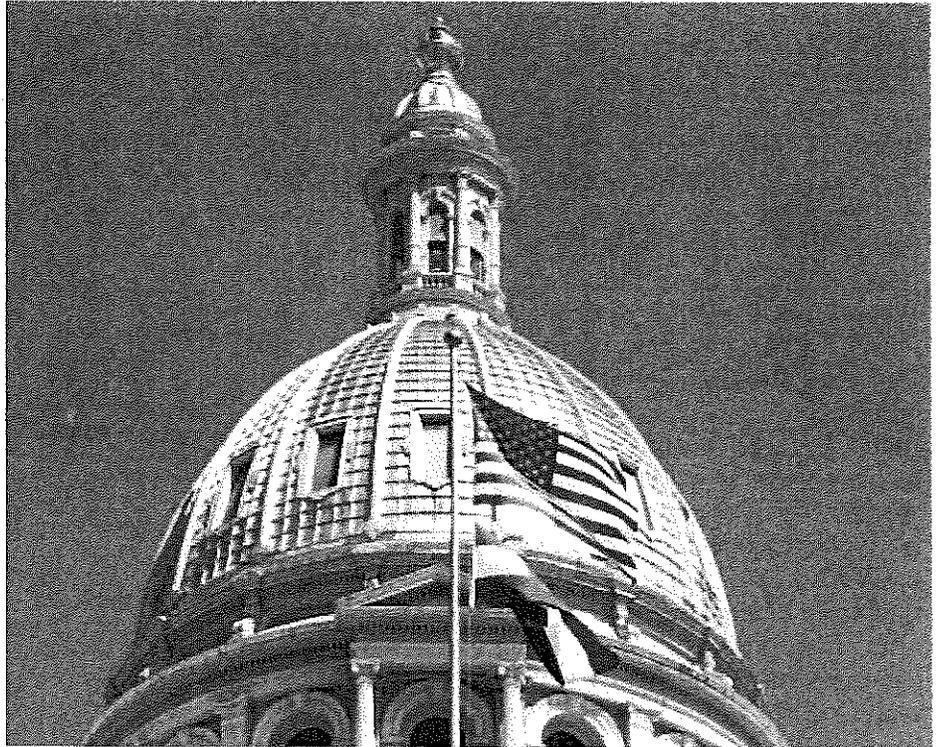
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Two bills were passed during the 2005 legislative session that directly affected the management of waste tires in Colorado. The Waste Motor Vehicle Tire Hauler Act (HB 05-1126) required the registration of commercial transporters of waste motor vehicle tires. The intent of this legislation was to ensure transportation and delivery of waste tires to proper storage and recycling facilities and to minimize the illegal dumping of tires.

Senate Bill 05-141 regulated the disposal of residentially generated waste tires. Effective July 1, 2007, this bill limited the disposal of residentially generated tires in landfills.

Senate Bill 09-289 was passed during the 2009 legislative session. Among other things this bill reallocated collection of the tire fee to the point of sale at tire retailers instead of the point of disposal, thereby improving collection of the funds. This bill also required facilities to use only commercial tire haulers registered with the state to transport waste tires, required the state to develop a plan for the elimination of tire monofills within 10 years, and required the department to implement an outreach and education program for facilities handling tires. The combined result of this bill was to ensure waste tires were commercially transported to appropriate facilities, and that more of these tires were ultimately recycled.

House Bill 10-1018 provided a cradle-to-grave or cradle-to-cradle regulatory approach for waste tires. This bill specified new registration, decal and manifest requirements for waste tire haulers and waste tire facilities. The bill also required waste tire



monofills to submit an inventory reduction plan to the department as a part of the facility Certificate of Designation. House Bill 10-1018 placed administrative authority for the waste tire funds with the department, and allocated resources for new personnel to manage the fund and provide program enforcement.

House Bill 10-1018 transferred oversight of the Processor and End User, Illegal Waste Tire Cleanup, and Recycling Incentive Funds from the Department of Local Affairs to the department's Division of Environmental Health and Sustainability. HB 10-1018 also created three new funds: the Waste Tire Market Development, Waste Tire Fire Prevention, and Law Enforcement Funds, which are also administered by the department.

New regulations went into effect April 1, 2011, to implement the requirements of HB 10-1018 by setting up a cradle-to-grave or cradle-to-cradle management construct for waste tires to ensure that all newly generated waste tires are accounted for and properly recycled or dispositioned. The regulations set out the requirements for each type of facility or entity within the waste tire lifecycle — tire retailers and wholesalers that generated waste tires as they replace old tires with new tires on vehicles; waste tire haulers and waste tire collection facilities that manage waste tires in transit; waste tire processors and end users that either manufacture waste tires into new products or turn waste tires into useable feedstocks; and waste tire monofills that store waste tires for extended periods. Regulations governing the Processor End User Fund also went into effect on July 1, 2011.

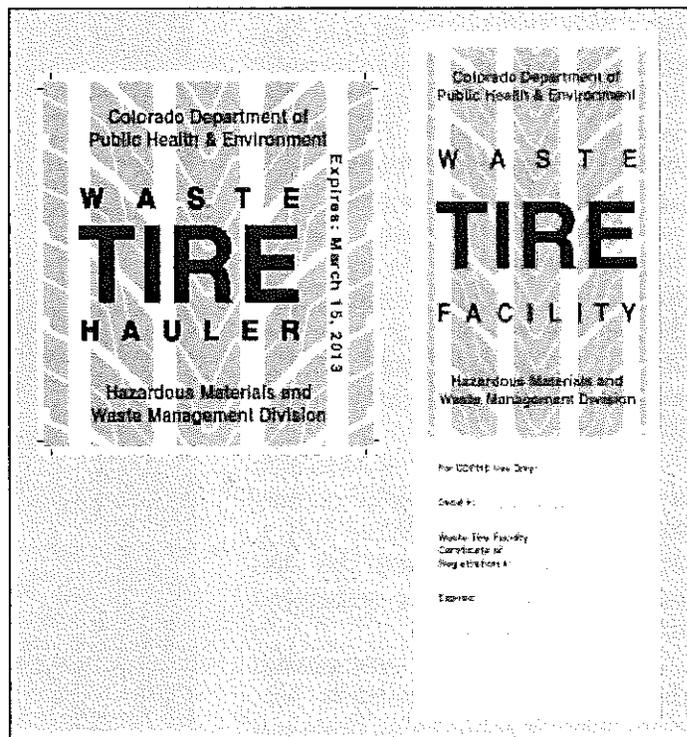
# Accomplishments and Results

Calendar 2011 was a busy year for the Waste Tire Program. Hazardous Materials and Waste Management Division (HMWMD) and Division of Environmental Health and Sustainability (DEHS) Waste Tire Program staff were involved in the development of two new waste tire regulations. The Solid and Hazardous Waste Commission passed new regulations resulting from the passage of HB10-1018, for Waste Tire Facilities and Waste Tire Haulers and administration of the Waste Tire Processors and End User Reimbursement Program on Feb. 15, 2011 and May 17, 2011, respectively. The department actively engaged waste tire stakeholders during the development of both regulations. Stakeholders included representatives from the Rubber Manufacturers Association, waste tire haulers, waste tire processors, waste tire end users, waste tire monofills, local health departments, local law enforcement officials, and state and local fire agencies. Waste Tire Program staff continue to engage in various outreach efforts to inform the waste tire community of the new regulations and the Waste Tire Program, including conducting compliance assistance outreach visits and inspections at waste tire facilities and giving waste tire presentations to local code enforcement officers and county health inspectors and officials.

The department used various methods to provide information to tire retailers and wholesalers, waste tire haulers, waste tire processors, waste tire end users, and waste tire collection facilities of the new Waste Tire Facilities and Waste Tire Haulers regulations. In March 2011, the department mailed more than 1,400 postcards notifying recipients of the new regulations and registration requirements. This effort, along with working with waste tire haulers to notify waste tire generators of the new registration requirements, resulted in 1,255 businesses that either generate, collect, store, process, and/or use waste tires registering with the department in 2011. 2011 registration numbers were:

- Waste tire generators (tire retailer, wholesaler or fleet service facility): 1,214
- Waste tire haulers: 56
- Waste tire collection facilities: 15
- Waste tire processors: 10
- Waste tire end users: 2
- Waste tire monofills: 3

A website dedicated to waste tires was created by the HMWMD and DEHS to provide information to



*Waste tire registration decals: Left - Waste Tire Hauler decal. Right - Waste Tire Facility decal.*

the waste tire community and general public. These two websites have the following waste tire content:

- Waste tire regulations.
- Information and applications for the Illegal Waste Tire Cleanup, Recycling Incentives, Processor and End User, and Waste Tire Market Development Funds.
- Waste tire forms including the Waste Tire Certificate of Registration Form (Form WT-1) that can be completed and submitted online, the Uniform Waste Tire Manifest Form (WT-2), and an online complaint form.
- A listing of currently registered waste tire haulers and waste tire facilities.
- English and Spanish guidance documents.
- Information regarding development of a waste tire abatement list.
- Waste Tire Advisory Committee information.

The HMWMD and DEHS waste tires websites experienced 9,568 web hits in 2011, with the HMWMD website receiving 6,258 web hits and the DEHS website receiving 3,040 hits. Additionally, waste tire registrants used the HMWMD website to submit 1,043 Form WT-1's online.

# Waste Tire Advisory Committee

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The Colorado Waste Tire Advisory Committee (the committee) was created by House Bill 10-1018 in the 2010 legislative session. The committee consists of nine members: one member from the department and the other eight members appointed by the Governor with one member representing each of the following: law enforcement from jurisdictions that have a waste tire facility, local fire authorities that have a waste tire facility within their jurisdiction, tire retailers, tire end users, tire manufacturers, waste tire haulers, waste tire processors, and waste tire monofills. Each member serves a three-year term.

The committee is required to meet at least quarterly and more frequently as needed. In 2011, the committee met each month, except May 2011. The last 12 months of committee meeting minutes, com-

mittee bylaws, upcoming meeting schedules, and committee appointed members is available at: [www.cdphe.state.co.us/hm/wastetires/advisory.htm](http://www.cdphe.state.co.us/hm/wastetires/advisory.htm).

These individuals have been appointed by the Governor to the committee and represent the following:

- Joel Bolduc, Waste Tire End Users
- Christopher (Chris) Houtchens, Waste Tire Haulers
- Larry Hudson, Tire Manufacturers
- Charles Johnson, CDPHE
- Trent Peterson, Waste Tire Monofills
- James (Jim) Reid, Local Fire Authorities
- Michael (Scott) Skorka, Tire Retailers
- Richard (Rick) Welle, Waste Tire Processors
- Vacant, Law Enforcement Authorities

## 2011-2012 Waste Tire Advisory Committee Members

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*From top left: Trent Peterson, Charles Johnson, Joel Bolduc, Rick Welle, Chris Houtchens. From bottom left: Scott Skorka, Jim Reid. Not pictured: Larry Hudson.*

# Waste Tire Facts and Facility Information

## Waste Tire Statistics

In 2011, using waste tires as tire-derived fuel replaced the use of 68,810 tons of coal, or enough energy to power 10,928 homes for one year, and preserved 1,250 acres of forest from deforestation.<sup>1</sup>



Using waste tires as tire-derived fuel results in lower nitrogen oxide (NO<sub>x</sub>) emissions when compared to many US coals.<sup>2</sup>



Nationally, more than 84.9 percent of waste tires are recycled or beneficially used for fuel or other applications.<sup>3</sup>



<sup>1</sup>United States EPA "Greenhouse Gas Equivalencies Calculator" updated June 2011

<sup>2</sup>United States EPA "Tire-Derived Fuel" updated October 2011

<sup>3</sup>Rubber Manufacturing Association "U.S. Scrap Tire Market 2009 Summary" 2011

