

March 13, 2024

Honorable Members of the House Transportation,
Housing & Local Government Committee
Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203

RE: Douglas County Support for HB 24 - 1266

Dear Committee Members:

I am writing today in support of HB 24-1266 and want to thank the sponsors, Representatives Hamrick, and Frizell, for their support and engagement on this important transportation issue regarding local governments being able to implement transportation projects cost effectively and in a timely and fiduciary responsible manner. This legislation represents months of negotiations between affected stakeholders, and we are grateful for the hard work and collaboration that resulted in this bill.

The issue of utility relocation and the critical role it plays in county roadway projects cannot be understated. Douglas County has been engaged in the US 85 widening and reconstruction project located between Highlands Ranch Parkway and Dad Clark Gulch (1,200-foot north of County Line Road). This \$130 million major widening and reconstruction project required significant utility relocations over this 2.5 mile stretch of US 85 in a highly urbanized area.

Approximately six (6) years before construction began in October 2022, Douglas County began holding monthly meetings with Xcel Energy (Xcel) representatives to develop various options to relocate several of Xcel facilities throughout the US 85 Corridor. With limited right-of-way available along the US 85 Corridor, Xcel had to relocate several of their facilities outside of the US 85 corridor, adding complexities and time to their relocation process.

Over the past several years, our consultant team worked closely with Xcel representatives to develop conceptual alignments to relocate Xcel facilities. Unfortunately, many of Xcel's relocation design plans were not finalized in a timely manner (often due to staffing changes and lack of commitment to a relocation schedule). In fact, in some cases, the alignment for a major Xcel facility wasn't finalized until late summer 2023, about a year after the County's construction project had started. As a result of delays due to Xcel utility relocations, the County's contractor had to work around the existing utility conflicts and the County began incurring additional construction costs.

In November 2021, almost 11 months prior to construction commencing, the County sent Xcel utility clearance letters (basically memorandums of understanding/commitment letters, which include identifying when Xcel would need to complete their specific utility relocations

**Letter from Douglas County Public Works / Engineering (dated March 13, 2024)
to Members of the House Transportation, Housing & Local Government Committee
Regarding Need for HB 24-1266, Page 2**

at specific locations identified in the utility plans). Unfortunate for Douglas County, Xcel refused to sign these utility clearance letter requests, putting the County at risk to potential delay claims due to the utility relocations needed for the proposed transportation improvements associated with this project.

Currently, Douglas County is continuing to face additional project costs and potential construction delay claims due to Xcel not completing their necessary utility relocation in a timely manner, despite the fact that Douglas County initiated utility coordination efforts with Xcel over six (6) years before awarding a construction contract.

To be clear, during the current construction utility relocation phase, we have a very high opinion of the Xcel employees and their construction contractors assigned to this project; and we appreciate the partnership with these Xcel representatives. However, Douglas County's frustration with Xcel has been primarily with the lack of commitment to complete their design plans and initiate their construction work in a timely manner. Therefore, the County believes legislation to create a better working relationship and provide more certainty for **both** local governments and utility owners is warranted.

The legislation in HB 24-1266 will help ensure transparency, commitment, responsibility, and accountability for utility providers to complete their utility relocations in a reasonable and timely manner; and in a way that does not jeopardize local government's ability to implement public improvements cost effectively and with minimum impacts the public.

Thank you for your time and consideration of this legislation. If you have any questions, please contact me at agriffit@douglas.co.us or at **303-947-8731**.

Sincerely,

art griffith

Digitally signed by art griffith
DN: cn=art griffith, o=Douglas County, ou=Public Works
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Arthur E. Griffith, P.E.
Transportation Capital Improvements Projects Manager
Douglas County