

May 14, 2014

The Honorable John W. Hickenlooper
Governor of Colorado
136 State Capitol
Denver, Colorado 80203-1792

Dear Governor Hickenlooper:

The American Road & Transportation Builders Association (ARTBA) respectfully offers these comments regarding Senate Bill 14-197 for your consideration, and requests your veto of this legislation.

Founded in 1902, ARTBA is a nationwide federation whose 6,000 members from the private and public sectors are integrally involved in the planning, design, construction, maintenance and management of the nation's roadways, bridges, ports, airports and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA maintains ongoing and thorough involvement in federal legislative, policy, regulatory and legal developments relating to transportation infrastructure development and investment. This includes public private partnerships (P3s) in transportation, with which ARTBA has a long history. Our P3 Division dates back over 25 years and includes prominent concessionaires, planning and design firms, contractors, public officials, law firms, financial entities and other parties in the P3 field. Through the reauthorization processes which have produced a series of federal surface transportation bills in recent decades, ARTBA has advocated for provisions that have helped make P3s a viable option for the financing and delivery of transportation improvement projects in appropriate circumstances around the country.

As you well know, core funding for surface transportation improvement projects is currently constrained far below documented needs, particularly on the federal level. ARTBA and our partners are continually urging Congress to alleviate the looming insolvency of the federal Highway Trust Fund and pass a well-funded, multi-year surface transportation reauthorization bill as soon as possible. We know that you recognize the critical importance of this issue for Colorado, where in recent years federal funds have comprised 64 percent of capital investment in the state for highways and bridges. In this regard, we are grateful that – through the National Transportation Coalition – you joined gubernatorial colleagues of both parties earlier this year in publicly calling on Congress to take action.

It is in this larger context that we hope you consider the ramifications of SB 14-197. These ongoing core funding challenges underscore the continued need for public private partnerships to

be a viable option for states that choose to engage in them. While we certainly support efforts to ensure transparency, accountability and public participation in P3 projects and related processes, ARTBA believes the overall effect of this particular legislation will impact negatively on Colorado's ability to partner with the private sector and advance these P3 projects.

Cognizant that you must balance various considerations in assessing the bill, we respectfully suggest that you gather interested stakeholders who can provide insight and various perspectives on this measure. At ARTBA, we have engaged in P3 policymaking by working closely with the Federal Highway Administration (FHWA), National Conference of State Legislatures (NCSL), American Association of State Highway & Transportation Officials (AASHTO), the American Public Transportation Association (APTA), numerous private sector firms and academic institutions, among others, at various times over the years. Accordingly, we offer our services in the short-term should you wish to convene an immediate dialogue among these types of stakeholders.

Moreover, should you veto SB 14-197, we would be glad to assist your office in a longer-term effort to discuss potential future legislation that will address the transparency concerns raised by the Senate bill's sponsors, but in a way that will not impede the future use of P3s for transportation improvements in Colorado.

Thank you for considering our national perspective. Please contact us any time we may be of assistance, as described above.

Sincerely,



T. Peter Ruane
President & CEO