U.S. INFRASTRUCTURE AND ECONOMIC REALITIES

ICENOGLE SEAVER POGUE A Professional Corporation

Tamara K. Seaver, Esq.

September 14, 2011



Infrastructure Realities

State/Federal Economic Realities

Federal/State Responses

(Colorado–Projects and Approaches)

Aging/Crumbling Infrastructure



Interstate Highway System – 50+ years old 2009 ASCE report card – Roads D-, Bridges C, Rail C-, Transit D 50% of U.S. bridges are structurally or functionally obsolete Roadway congestion tops 40% in urban areas

Economic Realities

- U.S. unemployment 9.1% August 2011
 Fallout from S&P downgrade of U.S. from AAA to AA-
- Moody's lowers US economic outlook through 2012
- Uncertainty for bond issuers
- Potentially higher bond rates
- Resistance to taxation
- Project finance increasingly challenging

Federal Responses

Legislation

- ARRA
- TIFIA
- TIGER grants
- Other



New Approaches USDOT/FHWA **Innovative Program Delivery (SEP-15** program and P3 encouragement) Leveraging federal dollars (grants/loans/incentives) with state/local/private funds

State Responses

- Project incentivizing legislation
- Regional and subregional cooperation for project development
- Cooperation with Federal Government
 Increased interest in P3



Sample State Approaches



Virginia/North Carolina – SEHSR Corridor



Colorado – JPPHA/C-470 Coalition/US 36/RTD



Georgia – STIP, LMIGP

Colorado Approaches

- Regionalism
 - Strength in numbers
 - Consensus building
- Creativity
 - Multiple revenue sources
 - Leveraging CDOT/ HPTE
 - Using special funding districts authorized by state law

Project oriented funding
Tactical tailoring of approach
Consider tolerances of users/tax payers
No one-size fits all

Colorado Transportation Funding Entities

| | Multi-Government Joint Funding and Construction Agreement | Lead Agency with Financial Contribution Agreement | Project-Specific Special Legislative Entity | Metropolitan Districts | Association of Metropolitan Districts | Public Highway Authority |
|---|--|--|---|---------------------------|---|--|
| • | § 18(2); §§ 29-1-201 | | | C.R.S. | <pre>§§ 32-1-101 et seq., C.R.S.; Colo. Const. Art. XIV, § 18(2); §§ 29-1-201 et seq., C.R.S.</pre> | §§ 43-4-501 <i>et seq.</i> , C.R.S. |

| | Regional | Public Improvement | Local Improvement | General | Business | Entity formed by |
|---------------------|----------------------|---------------------------|-----------------------|-----------------------|------------------------|------------------------|
| | Transportation | Districts (PIDs) | Districts (LIDs) | Improvement | Improvement | IGA |
| | Authority | | | Districts (GIDs) | Districts (BIDs) | |
| Legal Authorization | §§ 43-4-601 et seq., | §§ 30-20-501 et seq., | §§ 30-20-601 et seq., | §§ 31-25-601 et seq., | §§ 31-25-1201 et seq., | Colo. Const. Art. XIV, |
| for Entity | C.R.S. | C.R.S. | C.R.S. | C.R.S. | C.R.S. | § 18(2); §§ 29-1-201 |
| | | | | | | et seq., C.R.S. |