

RECORD OF DECISION

West Corridor Light Rail Project In Denver and Jefferson Counties, Colorado

1.0 DECISION

The Federal Transit Administration (FTA) has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) and 49 USC 5324(b)(3) the Federal Transit Act have been satisfied for the West Corridor Light Rail project located in western Denver and Jefferson Counties, Colorado. The preferred alternative consists of 12.1-miles of Light Rail Transit (LRT) from the existing light rail line at Auraria West Station, west across the South Platte River, then west traversing the existing Associated Railroad right-of-way between Decatur Street and Quail Street as well as through the Lakewood Industrial Park, and crossing West 6th Avenue into the Denver Federal Center. West of the Denver Federal Center, the alignment returns to the north side of West 6th Avenue and parallels the highway at-grade to the Jefferson County Government Center in Golden. The LRT Alternative includes the development of twelve stations: Auraria West, Federal/Decatur, Knox, Perry, Sheridan, Lamar, Wadsworth, Garrison, Oak, Denver Federal Center, Red Rocks, and Jefferson County Government Center. Parking would be provided at six of these 12 stations, providing approximately 5,700 parking spaces. This project was evaluated in the "West Corridor, Final Environmental Impact Statement," (FEIS) published by FTA in October 2003.

The project includes purchase of 37 peak light rail vehicles (LRV) and 45 total fleet vehicles by 2025. The type of LRV to be purchased will be compatible with the current Regional Transportation District (RTD) fleet of Siemens Duewag SD100 vehicles. Most of the West Corridor's alignment will be within an exclusive right-of-way purchased by RTD from the Associated Railroad and reserved for transit use. The proposed line will cross various local streets at-grade while arterial streets will be grade-separated crossings. All at-grade crossings will be in conformance with the Colorado Public Utility Commission's (PUC) regulations and the Manual for Uniform Traffic Control Devices (MUTCD) guidelines. A new LRV storage and maintenance facility will be constructed for this line. In addition to the LRT alignment to be constructed, concurrent parallel limited and express bus service will be redeployed to provide feeder service to the West Corridor line. Further, based upon current estimates, a total of 308 RTD buses will operate throughout the study area in the peak period during 2025.

FTA has considered all of the information in the public record, including the West Corridor Draft Environmental Impact Statement (DEIS) of 2003, the West Corridor Final Environmental Impact Statement (FEIS) of 2003, regulatory and resource agency coordination, West Corridor Technical Advisory Committee and West Corridor Policy Advisory Steering Committee input, DEIS public hearing comments and public and agency review comments on the environmental documents. For reasons set forth in this ROD, the FTA has determined that the requirements of the National Environmental Policy Act of 1969 have been satisfied for the West Corridor Light Rail Project. This decision pertains to the preferred alternative as described in the FEIS, and is subject to the mitigation measures

detailed in Section 5 of the FEIS and summarized in Attachment A of this Record of Decision.

2.0 BACKGROUND

2.1 Purpose and Need

By 2025, more roadways in the West Corridor and the region will continue to experience increased congestion and time delay. The current bus transit system, dependent on the existing roadways, will be seriously impacted by the increased roadway congestion. As a result, bus transit service will be restricted in its ability to effectively meet travel demand. Further, the Texas Transportation Institute has ranked Denver as the 3rd most congested region in the nation in their *2003 Urban Mobility Report*. East-west travel patterns include residents from the developing mountain communities and western suburbs traveling to the downtown Denver, the Denver Tech Center, and other subregional areas.

The West Corridor LRT project parallels West 6th Avenue, one of the most congested highways in the Denver region. West 6th Avenue currently carries the second highest traffic volumes in the region, second only to Interstate 25, the Denver region's primary north-south freeway. By 2025, West 6th Avenue will be required to absorb an additional 20 percent increase in traffic. Further, an additional 1.0 million people are expected to reside in the metro area by 2025. Within the corridor itself, population and employment are expected to increase by 32 percent and 34 percent respectively by 2025.

The Colorado Department of Transportation (CDOT) has not included widening of West 6th Avenue as part of their recently developed Strategic Investment Plan. Widening of this roadway is not in the Denver Regional Council of Government's (DRCOG) MetroVision 2020 Plan, the Regional Transportation Plan, the region's Transportation Improvement Program (TIP), the Statewide TIP, nor in any of the affected municipalities' comprehensive plans or transportation plans. Further, this facility cannot be widened without severe neighborhood and business impacts including extensive acquisition and relocation (180+), environmental justice impacts, as well as 4(f) impacts.

2.2 MIS Process

A West Corridor Major Investment Study was completed in 1997. The West Corridor MIS evaluated a wide range of transportation solutions to respond to the growing mobility problems in the corridor. During the MIS, various LRT alignments were considered from downtown Denver to the Denver Federal Center including: Alameda Avenue, West 6th Avenue, and West Colfax Avenue. These alternatives were eliminated because they were not responsive to travel patterns and low land use density (Alameda); and had significantly more right-of-way acquisition and displacements in environmental justice neighborhoods; and lower cost-effectiveness (Colfax and 6th Ave.). The MIS identified light rail along the Associated Railroad right-of-way as the Locally Preferred Alternative (LPA), With input

from the Citizen's Advisory Committee, the Technical Advisory Committee, and the Policy Advisory Committee, the LPA was adopted by the RTD Board of Directors and incorporated into the regional transportation plan of the Denver Regional Council of Governments (DRCOG) in July 1997.

3.0 ALTERNATIVES CONSIDERED

The LRT Alternative was largely derived from the West Corridor Major Investment Study (MIS) that was concluded by RTD in 1997. This MIS evaluated a wide range of transportation solutions to respond to the growing mobility problems in the corridor. These potential improvements included: No Action, Bus/HOV, electric bus, light rail, trolley, subway, monorail, personal rapid transit, highway widening, and transportation systems management/transportation demand management programs. The MIS identified LRT along the Associated Railroad right-of-way as the Locally Preferred Alternative (LPA). Reasons for choosing LRT over the other alternatives included: 1) cost similar or lower than other alternatives; 2) best chance to address both commuter and local access needs; 3) the largest reduction in traffic delay; and 4) least acquisition/relocation impact to community. The LPA was adopted by the RTD Board of Directors and DRCOG in July 1997.

On August 7, 2001, a Notice of Intent to prepare an EIS was published in the Federal Register. At that time, alternatives under consideration included no action, baseline/enhanced bus, Bus Rapid Transit, and the LRT alternative. The No Action Alternative included transportation and transit projects that had a reasonable expectation of funding and were programmed for implementation. The No Action Alternative was used as a basis for determining the potential environmental impacts that would be associated with either the Enhanced Bus Alternative or the LRT Alternative.

The No Action Alternative included committed transportation improvements and bus service improvements that are intended to keep pace with population and employment growth in the region. The No Action Alternative used the year 2025 as the horizon year for its future analysis. Planned transit facility improvements included acquisition or expansion of 20 Park-n-Ride locations throughout the metropolitan area, including Cold Spring in the West Corridor, as well as upgrades to six existing Park-n-Rides. The No Action alternative also proposed to improve bus shelters and upgrade the transfer facilities at Boulder, Market Street, and Civic Center, as well as developing an intermodal transit hub at Denver Union Station.

The Enhanced Bus Alternative would have improved the existing bus transit system to better serve the West Corridor. Buses would have remained the only mode of public transportation in this western part of the Denver metropolitan area. Bus service in the West Corridor would have extended from the Denver central business district, through the City of Lakewood, to the existing Cold Spring Park-n-Ride on Union Boulevard and on to the Jefferson County Government Center and would have included existing east-west and north-south routes. All transportation improvements assumed in the No Action Alternative were also included in the Enhanced Bus Alternative. Within the West Corridor, the Enhanced Bus Alternative also included a new bus transfer facility at the Colorado Mills Mall (opened in fall 2002), the expansion of the existing Cold Spring park-n-Ride lot to

1,000 spaces, and a new park-n-Ride facility at the Jefferson County Government Center complex.

A Bus Rapid Transit (BRT) alternative was also considered along West Colfax Avenue, West 6th Avenue, and the Associated Railroad right-of-way. Similar concerns with BRT were identified during the MIS for bus/HOV: either the BRT would require exclusive use of existing general purpose lanes, thus reducing traffic-carrying capacity, or extensive additional right-of-way would need to be secured, resulting in an unacceptably high number of residential and business relocations; primarily within minority and low-income neighborhoods. After review of these results, the Technical and Policy Advisory Committees dropped this alternative from further consideration. This was disclosed in the Draft Environmental Impact Statement (DEIS).

4.0 BASIS FOR DECISION

The FTA and the RTD released the West Corridor Draft Environmental Impact Statement (DEIS) on March 14, 2003. The DEIS was available to the public for a 53-day review and comment period ending on May 5, 2003. During that time frame, 183 respondents submitted approximately 1,200 comments either orally or in writing. Following the consideration of the project's purpose and need statement, goals and objectives, recommendations from the technical and policy advisory committees, and the public, the West Corridor LRT alternative was adopted by the RTD Board of Directors on August 19, 2003.

4.1 Environmental Impacts and Measures to Minimize Harm

RTD will design and incorporate into the project all mitigation measures included in the FEIS for the West Corridor as well as those identified during final design. Prior to construction, RTD has committed as one mitigation measure, to form an urban design task force, similar to the community-based Station Enhancement Groups. During final design, the task force will work with engineers and designers to ensure the community is involved in appropriate decisions. FTA will require in any future funding agreement on the project and, as a condition of any future grant or Letter of No Prejudice for the project, that all committed mitigation be implemented in accordance with the FEIS/ROD. FTA will require that RTD submit periodic written reports on its progress in implementing the mitigation commitments. These reports will also be included in the Before and After study as required in the FTA New Starts Program. FTA will monitor this progress through quarterly review of final engineering and design, land acquisition for the project, and construction of the project. The measures to minimize harm are fully described in the FEIS/ROD and are summarized in **Attachment A** to this document.

4.2 Inter-Agency Coordination and Public Opportunity to Comment

Project Initiation

At the initiation of this project, the Regional Transportation District (RTD) conducted a scientifically valid random telephone survey of 379 adults, 18 years of age and older, between July 24 and 29, 2001. Interviews were conducted in both English and Spanish. Professional interviewers were used to complete each survey, which averaged almost 15

minutes in length. The survey was designed to determine residents' perceptions about transportation issues and how to best keep them informed about the West Corridor EIS.

A Notice of Intent to prepare an EIS was issued by the FTA and published in the Federal Register on August 7, 2001. The Notice of Intent formally communicated the commencement of public involvement activities associated with this project including public scoping meetings.

An initial mailing list of nearly 30,000 individuals and groups was compiled. Included in this comprehensive list were residents, business-owners, civic groups, neighborhood associations, religious groups, educational institutions, and others. Every entry on this list received a one-time mailing of a project newsletter and a postage-paid reply card to request that they remain on the ongoing mailing list. Through additional public outreach (i.e., public meetings, neighborhood briefings, the community information office, phone line, and website) individuals were given other opportunities to be added to the mailing list throughout the project. [There were 4,946 entries on the mailing list as of July 1, 2003. The list was used for dissemination of newsletters, e-mail updates, and other relevant project information.]

Beginning in September 2001, the project team produced and distributed a quarterly newsletter, *West Corridor Transit News*. Each issue of the newsletter educated the public about the project's process. In addition, the newsletters helped advertise public meetings, tours of Denver's current Light Rail system and other public involvement activities. [As of July 1, 2003, eight newsletter editions, totaling more than 90,000 newsletters, were distributed to corridor residents and businesses.]

Two public information sites were established at locations centralized in the corridor. In September 2001, a community information office was opened at 8790 West Colfax Avenue, Lakewood. This office was open and staffed by members of the project team every Tuesday and Thursday. Members of the community could view project information, maps, reports, sketches, website, calendar, and ask questions of project team members. [As of July 1, 2003, there had been 203 visits to the Community Information Office.] A second information kiosk was established at the Denver Human Services Building at 1200 Federal Boulevard, Denver. This information kiosk provided community members with access to the latest project publications and website in both English and Spanish.

Throughout the fall of 2001, citizens were encouraged to nominate themselves or others for a position on the Station Enhancement Group (SEG). Through the three Scoping Meetings, multiple small briefings, targeted outreach to neighborhood associations, e-mail and the project newsletter, citizens were invited to participate in this group. More than 40 citizens accepted positions on the SEG. This group met three times between November 2001 and April 2002. In these meetings, the SEG worked with artists and the project team to provide input on station locations, station element designs, art-n-Transit, and potential transit-oriented development. Outcomes included development of station themes, inclusion of art in design and a station canopy design.

In order to educate and involve the public with regard to the maintenance facility, two meetings were held specific to the facility. The first public meeting in February 2002 about the maintenance facility provided a tour of RTD's existing Mariposa light rail maintenance facility. This meeting provided attendees with a better understanding of the activities that would occur at a West Corridor maintenance facility. A Maintenance Facility Design Workshop was also held in July 2002 with residents for the Harlan South Maintenance Facility. This meeting, also conducted at the existing Mariposa facility, provided a tour to educate participants about the activities that would be planned for the West Corridor facility. Following the tour, the project team worked with the residents to collect input on design elements (building features, landscaping options, mitigation, etc.) for the Harlan South facility. In total, 16 residents attended the meetings specific to the maintenance facility. These attendees included representatives from the bordering Two Creeks Neighborhood Association.

Formal Scoping Meetings

Four formal scoping meetings (three public, one resource agency) were held in conjunction with the EIS. These meetings were designed to share information about the project and collect comments, questions and feedback to help define the scope of the study. Additional input for the scoping process was gathered through small community briefings, the community information office, website and postage-paid comment cards.

In response to written invitations sent to 43 agencies, 36 individuals representing various local, regional, state and federal agencies attended the Agency Scoping Meeting held on August 30, 2001, at RTD in Denver. During the meeting, the project team provided an overview of the NEPA process and its application for the West Corridor EIS and distributed the Scoping Document. Questions were then answered regarding various issues. The meeting concluded with agencies being given until the end of October 2001 to submit written comments on the scope of the EIS.

During the three Public Scoping Meetings, in geographically diverse areas of the West Corridor, the project team explained the NEPA process, the alternatives being considered, and the benefits and impacts being evaluated during the NEPA process. They also presented the public involvement program and asked for ideas and comments from the attendees. A translator was available at each meeting to meet the needs of any Spanish-speaking attendees. Following the formal presentation, the public was encouraged to provide additional comments and raise concerns and issues in a workshop format. Topical experts from the project team led each discussion. Each area also had a recorder who captured the issues on flip charts to verify the comment was accurately interpreted and to stimulate and encourage further discussion as new members of the public joined a discussion group. Members of the public were also able to record verbal comments at a Comment Recording Station. All attendees were provided with the Scoping Document. All attendees were also given postage-paid comment cards that they were encouraged to complete and return if they thought of additional comments at a later date.

Communication Tools

As part of the overall public involvement effort, a variety of communication methods was implemented to help ensure that the public was informed about the process. These communication methods, discussed in further detail below, included:

- Newsletters (English and Spanish)
- Community Information Office
- Project Phone Line (English and Spanish)
- Project Website (English and Spanish)
- Graphics and Displays
- Fact Sheets (English and Spanish)
- Business Cards (English and Spanish)
- Postage-Paid Comment Cards
- E-Mail Updates

The project team established and promoted a project phone line (303-376-8394) in all communications. This phone line, offered in English and Spanish, provided an update on the project and allowed individuals and groups the opportunity to leave a message for the project team. All messages were retrieved and responded to within 24 hours. [As of July 1, 2003, 111 calls had been responded to.]

The project team developed a bilingual website (www.rtdwestcorridor.com) to provide the public with the most up-to-date information on the project. This real-time, updated website provided electronic access to the latest project information. In addition to sharing information, the project website provided the community with opportunities to share input and interact with the project team. The website included a comment-submittal form and meeting request form that enabled the public to electronically share input, ask questions and request a briefing with project representatives. During the DEIS public comment period, the website also contained a special form enabling individuals to formally submit comments online. The website also included a survey that allowed the project team to continually monitor and respond to public opinions throughout the project. [As of July 1, 2003, there were 12,061 unique visitors to the West Corridor website, averaging more than seven minutes per visit.]

As appropriate, press releases, fact sheets, and media advisories were developed and distributed. These communication pieces revolved around milestones in the project (i.e., scoping meetings, large public meetings, launching the website, opening a community office, publishing survey results, and announcing DEIS public hearing).

During the scoping process and throughout the project, the public was provided multiple means of submitting letters and comments to the technical team. Methods of submitting comments/letters included:

- Written comments at scoping meetings
- Verbal comments recorded at scoping meetings
- Postage-paid comment cards distributed at all meetings and briefings
- E-mail submitted to info@rtdwestcorridor.com
- Comment forms completed at www.rtdwestcorridor.com
- Recorded comments on the information line
- Comments submitted during visits to the community information office
- Comments submitted while participating in a community briefing

Public Meetings

In response to the unique questions and needs of those residents whose property abuts the alignment, the project team held a meeting specific to these individuals. Fliers were hand-delivered to every home that borders the alignment. In addition, the meeting was publicized on the project website and on the project calendar at the community information office. In total, 57 residents attended the meeting held February 7, 2002, at the Lakewood Cultural Center. An update on the study was provided with an emphasis on video/photographic examples from other cities of how LRT systems can best operate near residential communities.

Following the Scoping process, two rounds of public meetings were arranged. These meetings were advertised in five local newspapers and promoted via e-mail, the project newsletter, at the community information office and at all small-group meetings.

In March 2002, two public meetings were held. The meetings included a general presentation consisting of slides, maps and graphics depicting the progress that has been made in the EIS. After the general presentation, general questions were taken from the audience. Following the general question and answer (Q&A) session, the public participated in one-on-one discussions with members of the technical team and public involvement team.

In early November 2002, two public meetings were held to provide the public with an overview of the EIS and gather feedback prior to publishing the document. The meetings provided preliminary findings of the EIS. The meetings were held on November 6th and 7th 2002.

From February 27, 2002 to April 30, 2003, monthly project updates were held at the community information office. These meetings provided the public with an additional opportunity to meet with RTD's project manager and discuss the project. While questions were not limited to specific topic areas, each month a specific topic-area was the primary focus of the briefings. Topics were selected based on analysis of the Comment Tracking Database. When the database indicated more interest in a topic, the topic was added to the monthly Q&A schedule.

As of July 1, 2003, 73 general meetings had been held with neighborhood and community groups. Attendance at these meetings totaled 1,174. These meetings varied from small living-room presentations with a few neighbors to large public meetings attended by the larger community

As of July 1, 2003, the project team had led three guided tours of RTD's existing LRT lines. These tours were promoted to West Corridor residents and businesses through the quarterly newsletter, e-mail updates, and a postcard sent to the entire mailing list. In total, more than 130 individuals attended one of the tours. Members of the project team provided commentary on the tour to help educate tour participants about a variety of issues including station design/layout, transit-oriented development, at-grade crossing treatments, and safety procedures.

4.3 Circulation of the Draft Environmental Impact Statement

The DEIS was available to the public for a 53-day review and comment period from March 14, 2003 to May 5, 2003. A Notice of Availability was issued by the FTA and published in the Federal Register on March 21, 2003. The Notice of Availability formally communicated that the document was released and dates of the public comment period.

During this timeframe, 183 respondents submitted comments orally or in writing.

Copies of the DEIS were delivered to 218 individuals representing various municipalities, agencies, businesses, neighborhood groups and community organizations.

The DEIS was also available for public review at the following locations:

- Belmar Library
- Denver Main Library
- Edgewater Library
- Golden Library
- Lakewood Library
- Red Rocks Community College Library
- Ross Barnum Branch Library
- Wheat Ridge Library
- West Corridor Community Information Office
- Online at:
www.rtdwestcorridor.com

Digital copies of the DEIS were also stored at four Kinko's and three OfficeMax locations in the corridor. These locations served as a convenient method for individuals wishing to obtain full or partial copies of the Draft EIS for their personal use.

Small-group meetings continued to be an integral part of the public involvement program during the DEIS public comment period. Letters offering to schedule a meeting to review and discuss the DEIS were mailed to 145 individuals representing various interested businesses and organizations in the corridor. Each of these individuals was also called in an effort to schedule a briefing or provide them with requested information (i.e. newsletter articles, fact sheets) to share with their organizations.

During the 53-day public comment period, 31 briefings were held with individuals, neighborhood associations, businesses, community organizations and elected officials. Attendance at these briefings totaled 479.

One formal public hearing was held during the DEIS public comment period on April 16, 2003. Each of the 155 individuals that attended the public hearing was provided with a folder containing a DEIS comment form, meeting rules, and general DEIS fact sheets. An additional 25 fact sheets providing geographical and topical summaries from the DEIS were also made available.

Thirty-four individuals submitted oral comments at the public hearing. An additional five individuals recorded oral comments at the tape recording station in the DEIS Display Room. A full transcript of the hearing, held on April 16, 2003 at the Sheraton Denver West, is included in the Public Involvement Notebook available at RTD.

5.0 DETERMINATIONS AND FINDINGS

5.1 Environmental

The environmental record for the West Corridor Project includes the findings of the West Corridor Major Investment Study (1997), the DEIS and the FEIS. These documents represent the detailed analysis and findings required by NEPA and 49 USC 5324(b) on:

- The environmental impacts of the proposed project;
- Adverse environmental effect which cannot be avoided should the proposed project be implemented;
- Alternatives to the proposed project; and
- Irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.

On the basis of the evaluation of social, economic and environmental impacts contained in the DEIS and FEIS and the written and oral comments offered by the public and by other agencies, the FTA has determined in accordance with 49 USC 5324(b) that:

- Adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the proposed project is located; and
- All reasonable steps have been taken to minimize adverse environmental effects of the proposed project, and where adverse environmental effects remain, there exists no feasible and prudent alternative to avoid or further mitigate such effects.

5.2 Conformity with Air Quality Plans

The Clean Air Act Amendments of 1990 require that the FTA not provide financial assistance for a project unless that project has been found to conform to the purposes of the State Implementation Plan (SIP) of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards. The Interim Guidance of Conformity issued by the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) in June 1991 states that a project conforms: (1) if it comes from a conforming transportation plan and Transportation Improvement Program (TIP), and (2) if it, in carbon monoxide (CO) or PM₁₀ nonattainment areas, eliminates or reduces the severity and number of violations of the CO or PM₁₀ standards in the area substantially affected by the project.

Air quality conformity analysis of the region's adopted 2025 Interim Regional Transportation Plan and the 2003-2008 Transportation Improvement Program was prepared, consistent with the most recent set of amendments to streamline the U.S. Environmental Protection Agency's transportation conformity rule. Federal Highway Administration and Federal Transit Administration (FTA) signed a reconfirmation of the conformity finding for the Interim 2025 Regional Transportation Plan and 2003-2008 Transportation Improvement Program on December 22, 2003.

The West Corridor project is included in the 2025 Interim Regional Transportation Plan and 2003-2008 Transportation Improvement Program and meets conformity criteria. The 2025 Interim Regional Transportation Plan represents the financially constrained multimodal transportation element of the MetroVision 2020 Plan.

The hot spot analysis performed for the FEIS evaluated localized air quality impacts caused by the West Corridor project. The results of this analysis show that the NAAQS are not expected to be violated in either the opening year or the design year for the project at any location. The analysis included intersections throughout the project alignment expected to perform poorly, as identified in consultation with the Colorado Department of Public Health and Environment Air Pollution Control Division. FTA finds that the project conforms to the air quality plans for the Denver metropolitan area.

This Record of Decision issued April 19, 2004.



Lee O. Waddleton
Regional Administrator, Region 8
Federal Transit Administration

Attachment A: Summary of LRT Alternative Environmental Impacts and Mitigation Measures

Subject	Impacts	Mitigation Approach
Transportation	<p>42 existing crossings 8 crossings would be closed or removed 14 crossings would be grade-separated 20 crossings would remain at-grade Localized traffic impacts at stations</p>	<p>Grade separations, crossings removed or combined Install new signals / improve timing at crossings and stations Street, signal and intersection improvements near stations</p>
Land Use and Socioeconomics	<p>Land use impacts at station areas, most notably at Sheridan and Wadsworth Stations LRT Maintenance Facility will employ 135 workers</p>	<p>Public policy initiatives to encourage transit-oriented development Neighborhood stations not to include major parking areas Minimize neighborhood business impact and maximize redevelopment opportunities Development of urban design committee</p>
Community Impacts	<p>Acquisition of approximately 31 acres for LRT station areas Acquisition of approximately 18 acres for LRT Maintenance Facility Acquisition of approximately 25 acres for LRT alignment right-of-way 34 businesses displaced 12 single-family residences displaced 179 multifamily residences displaced (Sheridan and Wadsworth Stations)</p>	<p>Acquisition and relocation assistance following RTD and federal policies and procedures.</p>
Air Quality	<p>No impacts anticipated</p>	<p>N/A</p>
Noise and Vibration	<p>7 areas of severe noise impact identified (62 single-family residences and 6 multifamily residences) 18 areas of moderate noise impact identified (214 residences, 3 parks, 1 school playground) 7 areas of vibration impact identified (34 single-family residences and 12 multifamily residences)</p>	<p>Noise barriers will mitigate all severe noise impact areas Noise barriers will mitigate noise impact areas along West 13th Avenue from Harlan to Oak Vibration impacts will be mitigated by installation of ballast mats At-grade crossing treatments will not include audible warning devices pending approval from the Colorado Public Utilities Commission during final design.</p>
Ecosystems	<p>Minor impacts anticipated</p>	<p>The Fish and Wildlife Service will be consulted for determining the translocation process of black-tailed prairie dogs (federally-designated candidate species) within the Denver Federal Center property.</p>
Cultural Resources	<p>211 historic structures and four historic archeological sites identified 10 sites determined eligible for the National Register of Historic Places Preliminary finding of adverse effect to Denver & Intermountain Railroad corridor, the Federal Boulevard bridge over Lakewood Gulch and a bunker in the Denver Federal Center Preliminary finding of no adverse effect to 2 sites No effect to remaining 5 sites</p>	<p>Sensitive treatment of LRT project design in area of Denver & Intermountain Railroad corridor Mitigation measures developed in consultation with Colorado State Historic Preservation Officer and formalized in Memorandum of Agreement</p>

Attachment A: Summary of LRT Alternative Environmental Impacts Continued

Subject	Impacts	Mitigation Approach
Parks and Recreation	<p>11 recreation resources located adjacent to LRT alignment Direct use of five parks required for project</p> <ul style="list-style-type: none"> • Rude Park • Sanchez Park • Lakewood Dry Gulch Park • Richey Park • Jefferson County open space 	<p>Sensitive treatment of LRT right-of-way during final design and construction of final improvements</p>
Visual Impacts	<p>Visual impacts along West 13th Avenue Minor visual impacts adjacent to parks</p>	<p>Design treatment of LRT structures Landscape treatment of LRT project components Development of urban design committee to address West 13th Avenue improvements during final design</p>
Water Resources	<p>5 jurisdictional wetlands identified 3 isolated wetlands identified Minor impacts to wetlands 9 floodplains crossed by LRT alignment</p>	<p>Coordination with US Army Corps of Engineers for Section 404 permit Drainage and design solutions will reduce flooding potential to LRT project above floodplains</p>
Hazardous Materials	<p>10 areas of "major" concern identified</p>	<p>Contaminated soils to be removed and disposed of in accordance with government regulations Areas of concern avoided where possible by project design</p>
Safety and Security	<p>RTD design criteria specifies barriers to be installed adjacent to LRT alignment to permit safe operation At-grade crossings pose safety concerns</p>	<p>Art barrier concept developed to respond to sensitive areas where barriers are to be installed Development of urban design committee is proposed to address West 13th Avenue improvements during final design Quad gates and lights without audible warning devices recommended at most at-grade crossings pending approval from Colorado Public Utilities Commission during final design.</p>
Geological Resources	<p>No impacts anticipated</p>	<p>N/A</p>
Construction	<p>Temporary and limited duration impacts Temporary disruption of utilities</p>	<p>Coordination with affected utility companies, cities and property owners</p>
Secondary and Cumulative Impacts	<p>No impacts anticipated</p>	<p>N/A</p>

**MEMORANDUM OF AGREEMENT
REGARDING THE WEST CORRIDOR LIGHT RAIL PROJECT
IN DENVER AND JEFFERSON COUNTIES, COLORADO**

The Parties to this agreement are the Federal Transit Administration (FTA), the Denver Regional Transportation District (RTD), a regional transit authority organized and existing under the laws of the State of Colorado, the Colorado Department of Transportation (CDOT), and the Colorado State Historic Preservation Officer (SHPO).

WHEREAS, §106 of the National Historic Preservation Act, 16 USC 470 et seq. requires Federal Agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (the Council) a reasonable opportunity to comment on such undertakings; and

WHEREAS, the proposed federally assisted undertaking is the construction of the West Corridor Light Rail Transit Line (the Project) for which the National Environmental Policy Act (NEPA) process is currently underway; and

WHEREAS, the FTA has determined that construction of the West Corridor Light Rail Transit Line (the Project) in Denver, Lakewood and Golden, Colorado, will have an effect upon properties which are included in or have been determined to be eligible for inclusion in the National Register of Historic Places, and has consulted with the Colorado State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800 and has notified the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR Part 800.6(a)(1) and ACHP has declined to participate; and

WHEREAS, the SHPO is authorized to enter into this Agreement in order to fulfill its role of advising and assisting Federal agencies in carrying out their Section 106 responsibilities under the following federal statutes: Section 101 and 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470, and pursuant to 36 CFR Part 800, regulations implementing Section 106 at §§ 800.2(c)(1)(i) and 800.6(b); and

WHEREAS, the Project consists of the construction of a two-track light rail line that will begin at the reconstructed Auraria West Station located on the existing Central Platte Valley LRT Line in the central business district in Denver, Colorado, and will extend westward along the existing Associated Railroad right-of-way to West 6th Avenue near Simms/Union, at which point the alignment will continue west generally parallel to West 6th Avenue for a total distance of approximately 12.1 miles and terminate at the Jefferson County Government Center Station in Golden, Colorado; and

WHEREAS, the FTA has determined, in consultation with the SHPO, that the construction of the Project will have no effect on the following historic properties: Western Elaterite Roofing Company Building (1425 W. 13th Avenue); Zuni Power Plant (West 13th Avenue at Zuni Street); Denver Terminal Transformer House (2500 West Myrtle Place); Kit House (7020 West 13th Avenue); 1918 Farmhouse (7900 West 13th Avenue); Agricultural Ditch – North Crossing (West 13th Avenue at Quail Street); and the Under Ground House (635 Joyce Street); and

WHEREAS, the FTA has determined, in consultation with the SHPO, that the construction of the Project will have no adverse effect on the following historic properties: International Style House (1290 Pierce Street); and the Agricultural Ditch – South Crossing (West 9th Avenue at Quail Street); provided that certain conditions outlined in the Stipulations below are fulfilled; and

WHEREAS, the FTA has determined, in consultation with the SHPO, that the construction of the Project will have an adverse effect on the Denver and Intermountain Railroad Line (D&IM) right-of-way (also known as the Associated Railroad right-of-way); the Federal Boulevard Bridge over Lakewood Gulch; and the munitions bunker located in the Denver Federal Center (Building 84A); and further, whereas, the parties have developed the measures outlined in the Stipulations below to reduce or mitigate the identified adverse effects of the Project; and

WHEREAS, RTD has participated with the FTA in the consultation with the SHPO and has been invited to concur in the Memorandum of Agreement to reflect its commitment to the measures described in this agreement and to its obligations in a grant that will fund the construction of this Project;

NOW, THEREFORE, the FTA and SHPO agree that the proposed federally assisted undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the West Corridor LRT Project on historic properties as identified in the Final Environmental Impact Statement:

Stipulations

The FTA shall ensure that the following stipulations are implemented:

- I. FTA has determined in consultation with the SHPO that the construction of the Project will have no adverse effect on the following historic properties provided that certain conditions outlined below are fulfilled:
 - A. **International Style House (1290 Pierce Street):** Near Pierce Street and West 13th Avenue, the street right-of-way will be shifted a short distance to the south, closer to the eligible property. The LRT tracks will be approximately 60 feet from this property. RTD will install vibration ballast mats to mitigate minor vibration impacts associated with the operation of the Project.
 - B. **Agricultural Ditch – South Crossing (West 9th Avenue at Quail Street):** The construction of the Project does not require any change to the existing toe of slope where the ditch crosses the right-of-way. RTD will incorporate special conditions into the construction documents to ensure that the affected resource is protected during construction.

II. FTA has determined in consultation with the SHPO that the construction of the Project will have an adverse affect on the D&IM Railroad right-of-way, the Federal Boulevard Bridge, and the Denver Federal Center bunker. The parties have developed the following mitigation measures to reduce or mitigate the identified adverse effects on the properties:

- A. **D&IM Railroad Right-of-Way (5JF8174):** The Project will re-use the right-of-way that was historically used for the Denver and Intermountain Railroad Line. The Project will replace five deteriorated single-track bridges along the abandoned railroad line with new modern two-track bridge structures. Prior to the removal of these five bridges, RTD will conduct Level II documentation to accurately record the features of the D&IM Railroad right-of-way historic resource.

The D &IM R ailroad r ight-of-way h istic r esources w ill b e a rchivally d ocumented prior to removal so that there will be a permanent record of their present appearance and history. Recordation shall consist of Level II documentation as determined in consultation with the SHPO, and established in OAHP Form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. All documentation must be accepted by the SHPO prior to the start of construction. Copies o f t he d ocumentation w ill b e p rovided t o t he S HPO a nd t o a l ocal a rchive designated by the SHPO. This will include historic research and documentation:

A) ARCHIVAL DOCUMENTATION

RTD shall ensure that the D&IM Railroad right-of-way historic resources are documented in accordance with the guidance for Level II documentation found in OAHP form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. RTD shall consult with the SHPO to determine appropriate Level II recordation measures.

1.) RTD shall ensure that all documentation activities will be performed or directly supervised by, architects, historians, photographers, and/or other professionals meeting the qualification standards for their field in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A).

2.) RTD shall provide originals of all documents resulting from the documentation to the SHPO and to a local library or archive.

- B. **Federal Boulevard Bridge (5DV7067) over Lakewood Gulch:** The West Corridor LRT Project will require the full replacement of the existing Federal Boulevard Bridge over Lakewood Gulch in order to accommodate drainage improvements and pedestrian trails under the bridge. However, the bridge's owner, the Colorado Department of Transportation, also has plans to replace the bridge due to its poor structural condition and the associated safety concerns for motorists on Federal Boulevard as well as the bicycle/pedestrian users that pass below the bridge structure. The timing of funds is not yet certain for either project so it is unclear which agency

will proceed first. There is no feasible and prudent alternative to full replacement of the bridge, however, so while the purpose is different for each agency, the completed clearance documentation of the Section 106 process applies to work done by either agency. RTD and CDOT have further coordinated on this matter with RTD agreeing to fund the proportional costs of the bridge's replacement that may be associated with the West Corridor LRT Project, which may include further environmental clearance, design, and construction.

The Federal Boulevard Bridge will be archivally documented prior to removal by either project so that there will be a permanent record of its present appearance and history. CDOT and RTD will share the cost of the Level II documentation, and it will be initiated by the first project with funds to proceed. The Federal Boulevard Bridge will be replaced with a bridge structure designed by CDOT in consultation with the SHPO.

Recordation shall consist of Level II documentation as determined in consultation with the SHPO, and established in OAHP Form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. All documentation must be accepted by the SHPO prior to the start of construction. Copies of the documentation will be provided to the SHPO and to a local archive designated by the SHPO. This will include historic research and documentation:

A) ARCHIVAL DOCUMENTATION

RTD or CDOT shall ensure that the Federal Boulevard Bridge is documented in accordance with the guidance for Level II documentation found in OAHP form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. RTD or CDOT shall consult with the SHPO to determine appropriate Level II recordation measures.

1.) RTD or CDOT shall ensure that all documentation activities will be performed or directly supervised by, architects, historians, photographers, and/or other professionals meeting the qualification standards for their field in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A).

2.) RTD or CDOT shall provide originals of all documents resulting from the documentation to the SHPO and to a local library or archive.

- C. Denver Federal Center Building 84A - Munitions Bunker (5JF3026):** This earthen and wood structure is an example of one of the two types of munitions bunkers specially designed and constructed for the Remington Arms Company in 1941. The structure was part of the large munitions manufacturing complex, later to become the Denver Federal Center that remains a physical reminder of America's response to World War II. This property will be removed due to the construction of the Quail Street extension from the Denver Federal Center Station to West Alameda Avenue.

Prior to the removal of the historic property, RTD will conduct Level II documentation to accurately record the features of the munitions bunker.

Recordation shall consist of Level II documentation as determined in consultation with the SHPO, and established in OAHP Form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. All documentation must be accepted by the SHPO prior to the start of construction. Copies of the documentation will be provided to the SHPO and to a local archive designated by the SHPO. This will include historic research and documentation:

A) ARCHIVAL DOCUMENTATION

RTD shall ensure that the Denver Federal Center Building 84A - Munitions Bunker is documented in accordance with the guidance for Level II documentation found in OAHP form #1595, Historical Resource Documentation: Standards for Level I, II, III Documentation. RTD shall consult with the SHPO to determine appropriate Level II recordation measures.

1.) RTD shall ensure that all documentation activities will be performed or directly supervised by, architects, historians, photographers, and/or other professionals meeting the qualification standards for their field in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A).

2.) RTD shall provide originals of all documents resulting from the documentation to the SHPO and to a local library or archive.

III. RTD shall afford the SHPO thirty (30) days from the date of transmittal to review and respond to any reports, plans, specifications or other documentation provided for review pursuant to this MOA. Should the SHPO object, RTD shall consult further with the SHPO to resolve the objection. If RTD determines that the objection cannot be resolved, RTD shall notify the FTA, which will follow MOA Stipulation (IV.E) for "Resolving objections".

IV. Administrative Stipulations.

- A. Definition of Parties. For the purposes of this MOA the terms "party" or "parties" means the FTA, the SHPO, CDOT, and RTD, each of which has authority under 36 CFR § 800.7 to terminate the consultant process.
- B. Professional supervision. The FTA shall ensure that all activities carried out pursuant to this MOA are carried out by or under the direct supervision of a person or persons meeting at a minimum the Professional Qualifications Standards set forth in the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (36 CFR 61)*. However, nothing in this stipulation may be interpreted to bar the FTA or any agent or contractor of the FTA from utilizing the properly

supervised services of employees and volunteers who do not meet the above standards.

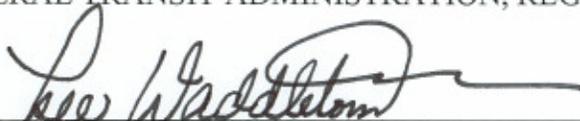
- C. Alterations to project documents. Neither the FTA nor RTD shall alter any plan, scope of services, or other document that has been reviewed and commented on pursuant to this MOA, except to finalize documents commented on in draft form, without first affording the parties to this MOA the opportunity to review the proposed change and determine whether it shall require that this MOA be amended. If one or more such party determines that an amendment is needed, the parties to this MOA shall consult in accordance with 36 CFR § 800.6 to consider such an amendment.
- D. Annual report and review.
 1. On or before 31 December of each year until the FTA and the SHPO agree in writing that the terms of this MOA have been fulfilled, RTD, on behalf of FTA, shall prepare and provide an annual report to the SHPO addressing the following topics:
 - a) Any problems or unexpected issues encountered during the year; and
 - b) Any changes that the FTA or RTD believe should be made in the implementation of this MOA.
 2. RTD shall ensure that its annual report is made available for public inspection, that potentially interested members of the public are made aware of its availability, and that interested members of the public are invited to provide comments to the SHPO, RTD, and to the FTA.
 3. The SHPO shall review the annual report and provide comments to the FTA.
 4. At the request of any party to this MOA, a meeting or meetings shall be held to facilitate review and comment, to resolve questions, or to resolve adverse comments.
 5. Based on this review, the FTA, RTD, CDOT, and the SHPO shall determine whether this MOA shall continue in force, be amended, or be terminated.
- E. Resolving Objections.
 1. Should any party to this agreement or a member of the public object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FTA and RTD shall consider the objection. If the FTA determines, within 30 days of the receipt of such written objection, that such objection(s) cannot be resolved, the FTA will:
 - a) Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR § 800.2(b)(2). Upon receipt of this documentation, the Council shall review and advise FTA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from parties to the MOA, will be taken into account by FTA in reaching a final decision regarding the dispute.
 - b) If the Council does not provide comments regarding the dispute within 30 days after receipt of documentation, FTA may render a decision regarding the dispute. In reaching its decision, FTA will take into account all comments regarding the dispute from the parties to the MOA.
 - c) FTA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FTA will notify all parties of its decision in writing before

implementing that portion of the Project subject to dispute under this stipulation. FTA's decision will be final.

- F. Amendments and Noncompliance. Any party to this MOA may request an amendment to its terms or to the provisions of any attachment to the MOA. The party wishing to amend the MOA shall immediately consult with the other party to develop an amendment pursuant to 36 CFR §§ 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all the original signatories is filed with the Council. If the parties cannot agree to appropriate terms to amend the MOA, any party may terminate the agreement in accordance with Stipulation IV.I, below.
- G. Unanticipated Discoveries or Effects. In the event that the Project will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner, RTD shall require work in the area of the discovery to cease until actions that will take into account the effects of the undertaking on the property can be implemented. RTD shall immediately notify FTA of the discovery and provide FTA with the information required to request the SHPO's and Council's comments pursuant to 36 CFR § 800.13(b).
- H. Substantial Changes to the Project. FTA shall immediately notify the SHPO of any substantial changes to the Project as described in the Final Environmental Impact Statement. FTA will provide the SHPO with copies of reports developed pursuant to this agreement. FTA will also provide these reports to interested parties upon request.
- I. Termination. If the MOA is not amended following the consultation set out in Stipulation IV.F, it may be terminated by any signatory or invited signatory. Within 30 days following the termination, the FTA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the Council under 36 CFR § 800.7(a) and proceed accordingly.

Execution of this MOA by the FTA, the Colorado SHPO, RTD and CDOT, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to FTA's approval of this undertaking, and implementation of its terms evidence that the FTA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

FEDERAL TRANSIT ADMINISTRATION, REGION VIII

By: 
Lee O. Waddleton, Regional Administrator

Date: 3-4-04

COLORADO STATE HISTORIC PRESERVATION OFFICER

By: Mark Wolfe Date: 3/3/04
400 Georgianna Contiguglia, Colorado State Historic Preservation Officer

REGIONAL TRANSPORTATION DISTRICT

By: Clarence W. Marsella Date: 3/4/04
Clarence W. Marsella, General Manager

COLORADO DEPARTMENT OF TRANSPORTATION

By: Thomas E. Norton Date: 2/11/04
Thomas E. Norton, Executive Director