

Appendix A. Responses to 2012 SFEIS Public Comments

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) received comments during the 2012 Supplemental Final Environmental Impact Statement¹ (2012 SFEIS) public availability period from 71 individuals, most of which were submitted by e-mail. Some of these individuals submitted more than once and some comments had more than one name on them. Each comment is laid out in this appendix in alphabetical order according to the commenter's last name and is assigned a comment number. Some comments were identical. When these were separated out, a total of 59 discrete comments were received.

No comments were received from federal, state, or local agencies.

Responses to all comments received are presented in this Appendix A. The comments are organized into tables with responses provided opposite each comment.

The majority of comments express concern about the impact of the Preferred Alternative to the Webb Ranch and suggested relooking at some form of Alternative A or R, both of which keep the alignment of US 550 and the connection to US 160 closer to its existing location. (Alternative A was analyzed in the 2011 Supplemental Draft Environmental Impact Statement² [2011 SDEIS]. Alternative R was analyzed in the 2012 SFEIS and in the 2014 Independent Alternatives Analysis³ [2015 IAA].) Comments were also received that there has been insufficient public involvement completed, that the traffic projections used were too optimistic, and that the Preferred Alternative is not needed.

¹ US 550 South Connection to US 160 Supplemental Final Environmental Impact Statement/Section 4(f) Evaluation to the US Highway 160 from Durango to Bayfield EIS (CDOT, 2012)

² US 550 South Connection to US 160 Supplemental Draft Environmental Impact Statement/Section 4(f) Evaluation to the US Highway 160 from Durango to Bayfield EIS (CDOT, 2011)

³ US 550 South Connection to US 160: Independent Alternatives Analysis (AMEC, 2014)

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Attachment 2. Letter from Thomas G. McNeill (August 27, 2012)

Comments

Responses

Source:	E-mail	Name:	Andrew, Luann
Document Number:	Comment 1	City, Zip Code:	Not provided

From: Luann Andrew [mailto:luann.andrew@gmail.com]
 Sent: Saturday, August 25, 2012 12:26 AM
 To: Shanks, Nancy
 Subject: Webb Ranch

I implore you to not put a highway across the Webb Ranch in Durango, CO.

This historic ranch and the Native American ruins around it should be preserved.

The rights of the Webbs should be respected.

The amount of taxpayer's money being spent just to save face on the part of CDOT for building the Bridge to Nowhere is deplorable. Do not push through on this highway across the Webb Ranch just to wipe the egg off their face. Better alternatives are available-use them.

Luann Andrew

Response to Comment 1

Numerous alternatives to keep the improved south highway connection from US 550 to US 160 off the Florida Mesa and minimize impacts to the Webb Ranch were evaluated during the NEPA process and in the subsequent 2015 IAA. These alternatives include alternatives that incorporate a fly over from Farmington Hill into the south corridor of Durango. Most of these alternatives were found to not meet the project purpose and need because they did not respond to the safety or capacity needs.

After finalization of the 2012 SFEIS, CDOT made a decision to hire an independent engineering team to review the alternatives. This team developed seven variations of alternatives. One of these variations has been identified as the Selected Alternative. The engineering team also met nine times with different stakeholder groups (including representatives of Webb Ranch) to make sure their concerns were incorporated in this process.

One alternative called R5 was developed and analyzed during the 2015 IAA process. Alternative R5 was submitted by the Webbs during the public comment period for the 2012 SFEIS. While this alternative meets purpose and need, it has safety, maintenance, and operational concerns and issues. Because it is located along the face of Farmington Hill, it precludes providing any grade-separated large animal wildlife crossings. The eastbound off-ramp at the new US 550/US 160 interchange is steep (at 6.33 percent) and difficult to climb in icy conditions. Another ramp has a sharp curve with a low design speed. The US 550 mainline has a sharp curve and a bridge immediately before a traffic signal. The curve makes it difficult to see the signal. The bridge could also become icy, making it difficult to stop at the signal. Its location, set into the side of the hill and running along the north-facing slope, results in less direct sunlight so it is prone to icing. Extensive fill and retaining walls are required along both sides of US 550. The retaining walls are as high as 90 feet in some locations. The tall retaining walls require extensive subsurface drainage systems to allow drainage from the ephemeral seeps and springs in the hillside. The steep hillside above US 550 is composed of decomposed shale overlain by sandy cobbles and boulders which are prone to falling onto the roadway surface or creating erosion problems. All of these issues combine to present substantial safety, maintenance and operational challenges.

Comments

Responses

Source:	E-mail	Name:	Andrew, Luann
Document Number:	Comment 1	City, Zip Code:	Not provided

Response to Comment 1 (cont'd)

Alternative R5 also has close to three times the wetland impact as Revised G Modified 6 (RGM6, the Selected Alternative), greater impacts to endangered species habitat and requires the acquisition and relocation of three residences and one business. (See Section 3.0 of this ROD for more information about the Selected Alternative.) It is approximately twice the cost of RGM6. It is not a reasonable alternative. More information regarding these alternatives is contained in Chapter 2.0 of the 2012 SFEIS (Sections 2.4 and 2.5), in the appendices to the 2012 SFEIS and in the 2015 IAA.

The design for the Preferred Alternative has been refined so that impacts to the Webb Ranch are reduced from the Revised G Modified Alternative shown in the 2012 SFEIS. This revised alternative (called RGM6) has 31.8 acres of impact to the historic portion of Webb Ranch, which is 9.7 acres less than the Revised G Modified Alternative.

The planning and NEPA process that was conducted recognized the historic nature of the Webb Ranch (and Native American ruins on it) and the other ranches on the Florida Mesa. All requirements of the National Historic Preservation Act and Section 4(f) of the U.S. DOT Act of 1966 have been followed. Both of these laws were adopted to acknowledge and recognize historic properties such as the Webb Ranch.

There was additional cost to work closely with stakeholders to develop the Selected Alternative which skirts the edge of Webb Ranch, but that cost and time is considered acceptable in order to develop an alternative that is context sensitive.

Comments

Responses

Source:	E-mail	Name:	Arlen, Caroline
Document Number:	Comment 2	City, Zip Code:	Durango, CO 81301

From: Caroline Arlen [mailto:caroline@frontier.net]
 Sent: Saturday, August 25, 2012 3:56 PM
 To: Hunt, Don; Stephanie.gibson@fhwa.dot.gov; Shanks, Nancy
 Subject: Grandview intersection

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160 (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Thanks for your attention,

Caroline Arlen
 1999 Florida Rd
 Durango, CO 81301

Response to Comment 2

The purpose and need for the Grandview Intersection was documented in the 2006 US 160 EIS and re-examined in the 2012 SFEIS. As documented in the 2011 SDEIS and 2012 SFEIS, the purpose is to:

- Increase travel efficiency/capacity to meet current and future needs.
- Improve safety for the travelling public by reducing the number and severity of crashes.
- Control access for safety and mobility flow improvements.

Improving overall safety for the traveling public is the main focus of designing a highway that can carry consistent speeds, not just increasing the speed limit.

The RGM6 Alternative has been chosen as the Selected Alternative because it best responds to the purposes documented above, is relatively inexpensive compared to other alternatives, and has fewer environmental impacts to irrigated farmland, existing land uses, the Webb Ranch, visual character and wetlands.

Please see the response to Comment 1 about other alternatives that were considered. CDOT and the independent engineering team have met numerous times with representatives of the Webb Ranch over the last year. The compromise alignment that is the Selected Alternative was developed during this process.

CDOT goes through a planning process every year to determine how best to spend funds available for transportation improvements. This is an open process held at the county level. All highway needs, including those related to repairing pavement and structures and those related to safety are carefully considered as funds are allocated.

Comments

Responses

Source:	E-mail	Name:	Bennett, Jeff
Document Number:	Comment 3	City, Zip Code:	Bayfield, CO

Response to Comment 3

From: Jeff Bennett [mailto:jeffbennett.ca@gmail.com]
 Sent: Tuesday, August 07, 2012 7:34 AM
 To: Shanks, Nancy
 To: Gibson, Stephanie (FHWA)
 Subject: US 550 - Durango, Webb Ranch

Good morning,

I'm writing to express my support for re-aligning US Hwy 550 through the Webb Ranch to the new interchange in Durango, bypassing Farmington Hill.

In winter, Farmington Hill is icy and dangerous, and it's not suitable for a major highway even in the best conditions.

The Durango area is lousy with scenic views and historical sites, and the Webb Ranch isn't particularly rich with either. The Florida Mesa, with it's bleak, ugly, flat, treeless terrain, is an ideal place to route a highway.

Thank you,
 Jeff Bennett
 Bayfield, CO
 970-884-5236

The RGM6 Alternative, as you support in your e-mail, has been chosen as the Selected Alternative. The reasons for this are documented in Section 2.3 of this ROD.

The information contained in Chapter 1.0, Section 1.6.2, of the 2012 SFEIS provides additional information about the icy and dangerous conditions on Farmington Hill.

Comments

Responses

Source:	E-mail	Name:	Blatz, Camille
Document Number:	Comment 4	City, Zip Code:	Key West, FL 33040

From: Camille [mailto:kwcamille@gmail.com]
Sent: Saturday, August 25, 2012 1:19 PM
To: Shanks, Nancy
Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don
Subject: SAVE the Webb ranch

Dear Ms. Shanks,

My husband and I just travelled thru your beautiful state this past July. Durango, along with the rest of south west Colorado is a treasure!

It makes No sense what-so-ever that you are even considering building a road thru the Webb ranch. Please stop any further plans to unnecessarily destroy this beautiful ranch and a part of histor! [sic] Building a road thru this area serves no legit purpose and would be a waste of resources!

Thank you for your time,
Camille Blatz
Key West, FL
33040
305-304-7512

Response to Comment 4

Please see the responses to Comment 1 and Comment 2 about the need for an improvement in this area and the alternatives considered.

Comments

Responses

Source:	E-mail	Name:	Bucher, Bob
Document Number:	Comment 5	City, Zip Code:	Not provided

From: Bob Bucher [mailto:Buck0@q.com]
 Sent: Monday, August 06, 2012 11:02 AM
 To: Shanks, Nancy
 Cc: Stephanie.Gibson@fhwa.dot.gov
 Subject: Please don't waste \$78 million in addition to the \$76 million you've already wasted

Folks,

Absolutely do not waste any more money on US highway 550 crossing the Webb Ranch.

Don't send good money after bad.

Also, Nancy, if there is any process to remove an unneeded traffic light, please advise.

The only reason I can see for having installed the light north of 32nd street was so that CDOT workers could get in & out faster @ rush hours & lunch.

Response to Comment 5

Please see the response to Comment 1 about the refinement to the Selected Alternative which reduces impacts to the Webb Ranch.

Note: A separate correspondence occurred with Bob Bucher related to his question about the need for a traffic signal at 32nd Street and Animas View Drive.

Comments

Responses

Source:	E-mail	Name:	Carr, Ted
Document Number:	Comment 6	City, Zip Code:	Not provided
<p>From: Ted Carr [mailto:ted@carr.net] Sent: Monday, August 06, 2012 5:27 PM To: Shanks, Nancy Cc: Stephanie.gibson@fhwa.dot.gov Subject: Hyw [sic] 550. Importance: High</p> <p>Nancy,</p> <p>Build Hyw [sic] 550 across the Webb ranch! They live in Chicago, care little about La Plata County, and are just after more money. The Highway plan to close Farmington Hill is a good plan and taking it to the interchange is an OK plan. Much better than the other plans I have seen of the 550 reroute. In the 34 years I have lived here in La Plata County I have seen many a truck jackknifed on that hill in the winter.</p> <p>Ted Carr</p>			

<p>Response to Comment 6</p> <p>The RGM6 Alternative, as you support in your e-mail, has been chosen as the Selected Alternative. The reasons for this are documented in Section 2.3 of this ROD.</p>
--

Comments

Responses

Source:	E-mail	Name:	Catton, Laura
Document Number:	Comment 7	City, Zip Code:	81301

Response to Comment 7

Please see the response to Comment 2 about the need for improvements to the Grandview intersection and other alternatives that have been developed and evaluated.

From: Laura Catton [mailto:catbom_13@msn.com]
 Sent: Saturday, August 25, 2012 6:57 AM
 To: Hunt, Don; Shanks, Nancy; stephanie.gibson@fhwa.dot.gov
 Subject: Highway 160/550 Realignment

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: Laura Catton
 Zip code: 81301

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 8	City, Zip Code:	Durango, CO 81303

1 of 4

From: Antonia Clark [mailto:antoniam@frontier.net]
 Sent: Sunday, August 26, 2012 10:06 PM
 To: Shanks, Nancy
 Cc: Stephanie Gibson
 Subject: Comment on the revised G alignment of Hwy 550, through the Webb Ranch

From Antonia Clark,
 Durango, Co 81303
 Region 5
 LaPlata County

To Whom it May Concern,

CDOT's preferred alignment for the connection of Hwy 550 to Hwy 160 involves cutting through the Historic Webb Ranch, in order to "fix" 1/2 mile stretch called Farmington Hill. The Webb family has hired engineers and highway experts to design a viable and safe alternative in the current "Farmington Hill" alignment and right of way. Their latest submissions seemed to garner consideration from Region 5 who determined that Webb's proposed alignments meet the cost, traffic projections, capacity and its other purpose and needs except for one point regarding safety. On this point of safety, CDOT claims only one deficiency. Reducing speeds from 60 or 70 mph on Florida Mesa by signage traditionally used throughout Colorado and the U.S. in advance of Farmington Hill. *(continued on next page)*

Response to Comment 8

Please refer to the e-mail from Nancy Shanks sent to you on August 1, 2012. This email refers you to the relevant pages of the 2012 SFEIS (pages 1-20 to 1-26) where accident information is presented.

The response to Common Comment 9, contained in the SFEIS in Appendix A provides information about why a large reduction in speeds is considered to be an unsafe condition. This large reduction in speeds is a characteristic of the various on-alignment alternatives that have been considered.

The amount of excavation needed for Alternative R is not substantially different than that needed for the RGM6 Alternative, as discussed in the response to Common Comment 5, included in Appendix A of the 2012 SFEIS. Two of the design variations studied for Alternative R require more excavation than the RGM6 Alternative. The only one that is noticeably less is the variation that assumes use of uphill terraced walls. New excavation quantities developed during the 2015 IAA process show:

- Alternative R5: 1.36 million cubic yards
- Alternative RGM6: 1.82 million cubic yards

Please also see the responses to Comment 1 and Comment 2 about traffic speeds and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 8	City, Zip Code:	Durango, CO 81303

Response to Comment 8 (cont'd)

2 of 4

cont'd

The people in Southwest Colorado don't care about having to reduce their speeds as they drop off the Florida Mesa. We have to do that anyway just a few miles down the road as they enter the commercial corridor outside of Durango. We have to do that all over the state of Colorado. We are more interesting in maintaining our scenic views and rural landscapes at the entrance to our community than in maintaining a speed of 60 - 70 mph. Additionally, it seems odd to me that CDOT continually maintains that their design is safer than staying in the current alignment when the accidents on Farmington Hill are primarily fender benders and the accidents on Hwy 160 W, from the "Bridge" to the bottom of the Farmington Hill involved wildlife collisions at high rates of speed.

The revised G alignment takes all the travelers who are traveling north or south on Hwy 550 and forces them to drive through it that wildlife corridor. How is that more safe?

You probably know that people in our Region have a very low opinion of CDOT and the way they have operated here. This was very clear when I spoke to citizens Saturday at the Farmers Market and asked them to sign letters to oppose this project. 9 out of 10 people I approached signed the letter but most also commented something like "Thank you for doing this but you know that CDOT is not going to listen to us.. They never have. They acted recklessly and senselessly but, hey, that's the way they operate." *(continued on next page)*

The Selected Alternative incorporates wildlife crossings which will decrease the potential for wildlife/vehicular accidents.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 8	City, Zip Code:	Durango, CO 81303

Response to Comment 8 (cont'd)

3 of 4

cont'd

When I approached people I asked "Are you aware of the Bridge to No Where.?" Again, 9 out of 10 said "Yes!" ...most added a derogatory comment about it. People here are stunned that such a project was ever allowed to be built. They hate it. They feel it was extravagant and unnecessary for our region....a waste of money and a blight on the entrance to our lovely community. The ramps are seldom used, because they serve no real purpose.

Most people know that when questioned about the lack of access from the "Bridge to No Where" through the Webb Ranch, which is why "The Bridge" was built, CDOT's attitude was "Once we spend the money to build this intersection Colorado courts will condemn the land on the Webb Ranch." This was a comment I heard many times, which clearly showed a lack of due process and respect for personal property rights. (Let me add here that a lot of really good people work for CDOT. They are our neighbors and friends but they have been put in the difficult position of designing and defending a really bad project.)

According to CDOT's web site, this realignment across the Webb Ranch will cost over \$70 million which doesn't include the 2nd Bridge across Hwy 160, relocation of the excavated dirt and gravel, additional bridges across the ravines, the current and on-going legal costs, or the cost of securing the Webb property. Again, one must ask WHY?? are you so determined to build this highway, in THIS alignment, just so we can travel 60-70 mph from the top of Farmington Hill to the bottom??? Wouldn't we all be better off if you worked with the Webbs and then got on with a less destructive alignment? *(continued on next page)*

The Selected Alternative is approximately half the cost of Alternative R5 which is the alternative suggested by the Webbs in their comments on the 2012 SFEIS. The Selected Alternative has been refined to reduce impacts on the Webb Ranch by placing it along the edge of the mesa. This reduces impacts by 9.7 acres compared to the Revised G Modified Alternative which was identified as the Preferred Alternative in the 2012 SFEIS.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 8	City, Zip Code:	Durango, CO 81303

Response to Comment 8 (cont'd)

4 of 4

cont'd

I hope you will take a good look at the Webb's latest proposals and give Chris himself an opportunity to meet with you, on their ranch, and present their alternative designs. We all know that CDOT would like to justify the Grandview intersection by connecting it to something but your official stance is also that the intersection will eventually be needed anyway, so why not just let that evolve?

The argument that our blood plasma comes from Farmington is very weak and certainly does not justify building this highway in this alignment. The time difference couldn't be more than 5-10 minutes if an ambulance were to come down a new highway in the current alignment and, besides, helicopters fly in and out of that hospital all the time. If building this highway is going to save lives then work with the Webbs to come up with a compromise plan. If you do, you will be able to proceed with "fixing" Farmington Hill sooner than if you continue to fight with them, you will save a beautiful ranch which is also the barrier that protects the rural properties of the Florida Mesa from the commercial sprawl below and you might, actually, renew our faith in Government by doing "The Right Thing".

I hope you take this opportunity to act responsibly, rather than wasting money and natural resources to stick to an outdated plan.

Thank you for listening,
 Antonia Clark
 589 CR 220
 Durango, CO 81303

Please see the response to Comment 1 for information about Alternative R5 which was suggested by Mr. Webb.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 9	City, Zip Code:	Durango, CO 81303

Response to Comment 9

Please see the response to Comment 8.

1 of 4

From: Antonia Clark [mailto:antonia@frontier.net]
 Sent: Sunday, August 26, 2012 9:27 PM
 To: Hunt, Don
 Subject: Opinion of CDOT and their practices are very poorly regarded in SW Colorado

From Antonia Clark,
 Durango, CO 81303
 Region 5
 LaPlata County

Dear Mr. Hunt,
 The comment period for CDOT's proposed realignment of Hwy 550, across the Webb Ranch to connect with the Grandview intersection, ends Monday the 27th.

As you know, CDOT's preferred alignment for the connection of Hwy 550 to Hwy 160 involves cutting through the Historic Webb Ranch, in order to "fix" 1/2 mile stretch called Farmington Hill. The Webb family has opposed the highway alignment across their ranch for at least 15 years. They have hired engineers and highway experts to design a viable and safe alternative in the current "Farmington Hill" alignment. Their latest submissions seemed to garner consideration from Region 5 who determined that Webb's proposed alignments meet the cost, traffic projections, capacity and its other purpose and needs except for one point regarding safety. On this point of safety, CDOT claims only one deficiency: reducing speeds from 70 mph on Florida Mesa by signage traditionally used throughout Colorado and the U.S. *(continued on next page)*

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 9	City, Zip Code:	Durango, CO 81303

2 of 4

cont'd

The people in Southwest Colorado don't care about having to reduce their speeds as they drop off the Florida Mesa. They must do that anyway just a few miles down the road as they enter the commercial corridor outside of Durango. We have to do that all over the state of Colorado. We are more interested in maintaining our scenic views and rural landscapes than maintaining speeds of 60 - 70 mph from the top of the mesa to the bottom.

You may not know that people in our Region have a very low opinion of CDOT and the way they have operated here. This was very clear when I spoke to citizens and gathered about 250 letters during a short 3 hour period at the local Farmers Market Saturday .

-- 9 out of 10 people I approached signed the letter but most also commented something like "Thank you for doing this but you know that CDOT is not going to listen to us.. They never have. They acted recklessly and senseless but, hey, that's the way they operate."

--When I approached people I asked "Are you aware of the Bridge to No Where.?" Again, 9 out of 10 said "Yes!" ...most added a derogatory comment about it. People here are stunned that such a project was ever allowed to be built. They hate it. They feel it was extravagant and unnecessary for our region....a waste of money and a blight on the entrance to our lovely community. No one ever drives on any of the ramps in that Grandview intersection, because they serve no real purpose. If have haven't driven them yourself I hope you will someday soon.
(continued on next page)

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 9	City, Zip Code:	Durango, CO 81303

3 of 4

cont'd

--Most people know that when questioned about the lack of access from the Grandview intersection aka Bridge to No Where, through the Webb Ranch, which is why "The Bridge" was built, CDOT's attitude was "Once we spend the money to build this intersection Colorado courts will condemn the land on the Webb Ranch." This was a comment I heard many times, which clearly showed a lack of due process and respect for personal property rights.

According to CDOT's web site, this realignment across the Webb Ranch will cost over \$70 million which doesn't include the 2nd Bridge across Hwy 160, relocation of the excavated dirt and gravel (3 football fields wide, 1,400 ft long and 40 to 120 ft deep... the attached photo of the overhead view of the "Bridge" shows the terrain), additional bridges across the ravines, the current and on-going legal costs, or the cost of buying the Webb property, which will be high. Again, one must ask WHY?? is CDOT so determined to build this highway, in THIS alignment, just so we can travel 60-70 mph from the top of Farmington Hill to the bottom??? And WHY do we need such an enormous, expensive, over the top project anyway? Wouldn't we all be better off if CDOT worked with the Webbs and then got on with a less destructive alignment?

CDOT has a slew of talented engineers but they get their directions from the top. I wonder what they would come up with, for the current alignment, if the restriction of having traffic flow at such high rates of speed was lifted. I wonder what they have already designed without that restriction. *(continued on next page)*

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia
Document Number:	Comment 9	City, Zip Code:	Durango, CO 81303

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cont'd

I hope you will take a good look at this project and give Chris Webb and his family an opportunity to meet with you, on their ranch, to present their alternative designs. We all know that CDOT would like to justify the Grandview intersection by connecting it to something but their official stance is also that the intersection will eventually be needed anyway, so why not just let that evolve? Most of us in LaPlata County feel that CDOT's determination to cut through the Webb Ranch is ego driven. Who wants to admit to such a huge mistake? But no one really wins when decisions are ego driven.

Please encourage Region 5 to revise their stance and pursue designs that do not dissect the Webb Ranch. You will save a beautiful ranch which is also the barrier that protects the rural properties of the Florida Mesa from the commercial sprawl below, you will save our rural landscapes on the South entrance to our of town, you will save money and you might actually renew our faith in Government's ability to do "The Right Thing". The people who made these bad decisions are gone and we hope your new leadership will lead to common sense highway designs that are appropriate for our region.

Thank you for your time.,
 Antonia Clark
 589 CR 220
 Durango, CO 81303

PS I apologize if I have offended you by referring to the large bridge in the Grandview intersection as "The Bridge to No Where" but that is what everyone here calls it.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia and Mary Jane Clark	Response to Comment 10
Document Number:	Comment 10	City, Zip Code:	Durango, CO 81303/81302	
<p>1 of 4</p> <p>From: Toh-Atin [mailto:tohatingallery@gmail.com] Sent: Monday, August 27, 2012 1:18 PM To: Shanks, Nancy Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don Subject: Highway 550/160 realignment Comment submission</p> <p>As a lifelong resident of this county I was stunned when construction began on the Grandview Intersection and even more stunned and disappointed in the magnitude of the project when it was completed. It seems that even the ramps along the highway go No Where and serve no purpose, never mind the actual Bridge that was built to connect with traffic coming through the Webb Ranch, in spite of the fact that an easement had never been purchased. This project was clearly a mistake, evidently forced through and begun because the dollars were available and CDOT Region 5 was anxious to spend them. No one really seemed to think about, or care, that a design like that really didn't fit in here.</p> <p>Now you want to condemn a lovely, historic local ranch...one of the prettiest in Colorado. Unlike so many of our local ranches this land is owned by individuals, who also grew up in this county, who treasure it and want to preserve it. They have not jumped at the chance to develop it and make off with millions, although the views from this ranch are certainly worth many millions to prospective home owners. This family is instead fighting you, their state government, in order to preserve their property. Preservation of their land serves us all, enriching our lives with scenic landscapes and by providing a geological barrier between ag land and city sprawl. In addition the Webbs <i>(continued on next page)</i></p>				<p>Please see the response to Comment 2 for information about purposes the existing Grandview Interchange serves. As described in Appendix A of the 2012 SFEIS (the response to Common Comment 8), the right-of-way process proceeds in phases, as CDOT obtains funding for each phase. That is the reason not all of the right-of-way to build the entire interchange was acquired at the same time.</p>

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia and Clark, Mary Jane
Document Number:	Comment 10	City, Zip Code:	Durango, CO 81303/81302

<p>2 of 4 cont'd</p> <p>are contributing their own money to develop alignments that will be safe and appropriate to the local environment. It seems that CDOT's determination to build a highway that will sustain high rates of speed rather than embracing one that requires motorists to slow down as they come off the Florida Mesa is short sighted. Farmington Hill needs to be reworked or replace but if you look at accident rates on Farmington Hill you will see that the accident rate there is low, amounting primarily to slow-speed fender benders. Slow is not necessarily bad and asking motorists to slow down before they drop off the Florida Mesa is not really asking a lot.</p> <p>On the other hand, the severity of the accidents in the Hwy 160 corridor, between the bottom of Farmington Hill and Grandview is far higher and more severe. I guess that is why you have a big sign just northeast of the Farmington Hill intersection that warns motorists about wildlife and drinking while driving. I notice that you have not, to my knowledge, placed a similar large flashing sign at the top of Farmington Hill warning motorists that there is a dangerous intersection approaching. Is that because the 160 corridor is more dangerous than Farmington Hill? If so, why is it safer to route all the traffic heading to and from the Florida Mesa through that corridor?</p> <p>Isn't there a point where decisions and projects are reasonable and a point beyond which they aren't? There have been more people killed skiing Purgatory Ski Area (Durango Mountain Resort) in the past 2 years than have been killed on Farmington Hill in the past 2 years? 5 years? 10 years? Should we spend millions of dollars covering all the trees at Purgatory so that it will be safer to ski there? <i>(continued on next page)</i></p>	<p>Response to Comment 10 (cont'd)</p> <p>The response to Common Comment 9, in Appendix A of the 2012 SFEIS, contains information about the safety issues that result from dramatic reductions in speed. The accident data for US 160 show that the majority of accidents along the US 160 corridor are at Three Springs Boulevard and at SH 172 (see Figure 4-3 of the 2015 IAA). This situation is anticipated to be addressed when the intersections are upgraded to grade-separated interchanges, which is planned as part of the implementation of the Preferred Alternative from the 2006 US 160 EIS.</p> <p>CDOT and FHWA have determined that the RGM6 Alternative is the Selected Alternative for reasons listed in this Record of Decision, Section 2.3. This determination includes analysis of the trade-offs between the RGM6 Alternative and the other possible alternatives in the current corridor.</p> <p>Please also see the responses to Comment 1 and Comment 2 related to traffic speeds and working collaboratively with representatives of the Webb Ranch.</p>
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Comments

Responses

Source:	E-mail	Name:	Clark, Antonia and Clark, Mary Jane
Document Number:	Comment 10	City, Zip Code:	Durango, CO 81303/81302

Response to Comment 10 (cont'd)

3 of 4

cont'd

The short and long of things is that your plan to go through the Webb Ranch is not the greatest plan. Even if you and your engineers (who are certainly good people and very talented engineers) believe it is the best plan, couldn't other plans in the current corridor be great too? Wouldn't they be as effective and safe? It would certainly be better for the future of this county and for the people who live here.

I know attendance at recent CDOT meetings addressing this issue has been insignificant and interest seems lackluster, but I would submit that citizens are "battle fatigued". Most of us have been attending meetings since 1997 or before...clear back to the URS Griener (sp?) days. We have attended meetings, voiced our objections and been ignored again and again. We were told by Steve Parker and Richard Reynolds that construction on the Grandview intersection, setting up an alignment across the Webb Ranch "would not happen in our life time." And then, OMG! all of a sudden construction began. No wonder people don't bother to attend the meetings or voice there opinions anymore. I feel like I have reignited people's interest in this project and if you sincerely want to know what the community thinks you should schedule 1 or 2 additional public meetings addressing it. I think CDOT's primary decision makers should be present and everyone who has sent comments during this comment period should be notified ahead of time. You might be thinking.. "Good grief, how many public meetings do we need to have about this project?" But this is an important issue. The citizens of this county believe that they were ambushed when the "Bridge to No Where" was constructed. They have lost faith
(continued on next page)

Public involvement activities have been conducted throughout the NEPA phase of this project. This involvement has included three public meetings during the 2006 US 160 EIS and a public hearing held in November 2011 to obtain comments on the 2011 SDEIS. An additional informal public open house was held on December 1, 2014. Notifications were sent out to an extensive mailing list for all of these meetings. In addition, there have been newsletters, Web site updates, and one-on-one or small group meetings with affected stakeholders.

CDOT is planning additional public involvement during the subsequent design and construction phases.

Comments

Responses

Source:	E-mail	Name:	Clark, Antonia and Clark, Mary Jane
Document Number:	Comment 10	City, Zip Code:	Durango, CO 81303/81302

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cont'd

in your interest in doing the right thing. If you want to regain our faith and really work with the citizens to determine what would be best for us, this would be the way to do it.
 Thank you for listening, once again.

Antonia Clark
 589 CR 220, Durango, Co 81303
 and
 Mary Jane Clark
 PO Box 639, Durango, CO 81302

Comments

Responses

Source:	E-mail	Name:	Clark, Jackson
Document Number:	Comment 11	City, Zip Code:	Durango, CO 81302

1 of 2

From: Jackson CLark [mailto:jackson.jc2@gmail.com]
 Sent: Monday, August 27, 2012 12:20 PM
 To: Shanks, Nancy
 Subject: Highway 550 and the Webb Ranch

Ms. Shanks,
 There is a story that I heard recently you will appreciate. I hope. A stubborn old rancher went to the outhouse at his ranch and while doing his business, accidentally dropped a quarter down the hole. Not realizing that his father was in the outhouse, his son opened the door and saw his dad standing there. First his dad threw in a dollar. Then a five went down the hole. Then he threw in a \$20 dollar bill, Then a \$50. His son asked, "What in the world are you doing?"

His father replied, I'm not going down there for just a quarter.

I know you will be hearing from a lot of people who are concerned about what the highway improvements on 550 will do to the community and the the [sic] Webb Ranch. It seems pretty clear that, from the get go, CDOT, under the direction of Richard Reynolds, knew what they wanted to do and were determined, despite the incredible waste of money and the destruction they would leave in their wake.

I have heard from many people that you are a much more reasonable and thoughtful person and would be open to hearing citizen input. It just makes perfect sense to use one of the alternatives that the Webb family has paid to have explored
(continued on next page)

Response to Comment 11

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives, including those developed by the Webb Ranch family, which are close to the current alignment.

Please see the response to Comment 10 about the public involvement process and the response to Comment 2 for information about the need for the project and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Clark, Jackson
Document Number:	Comment 11	City, Zip Code:	Durango, CO 81302

2 of 2

cont'd

and save the money that is would be spend crossing the Webb Ranch. It would also preserve one of the most beautiful ranches in America.

Please, don't be like the old cowboy and keep pouring money down the hole for the sake of a Richard Reynolds monument.

Jackson
Jackson Clark
Toh-Atin Gallery
P.O. Box 2329
Durango, Colorado 81302

Shipping Address:
Toh-Atin Gallery
145 W. 9th Street
Durango, Colorado 81301

970 247-8277
jackson.jc2@gmail.com
www.toh-atin.com

Comments

Responses

Source:	E-mail	Name:	Clark, Mary Jane
Document Number:	Comment 12	City, Zip Code:	Durango, Colorado 81302

From: unitedtradersorg@gmail.com
 [mailto:unitedtradersorg@gmail.com]
 Sent: Monday, November 28, 2011 9:14 AM
 To: Shanks, Nancy
 Subject: Re-routing of highway off Florida Mesa

Dear Nancy Shanks,

I would like to ask you to consider the Webb alternative to the new route that is proposed for replacing the Farmington Hill intersection.
 The Webb ranch is a Colorado treasure and contains many archeology sites. I suppose you have walked the route and agree that it is one of the prettiest ranches in Colorado, in fact, in the West.
 I am also tired of government spending money they do not need to spend, simply because they can. The idea that we are going to spend more money than we need to in order to make the intersection safer while destroying a beautiful and historically significant ranch at the same time would be the height of arrogance.

Thank you for your consideration.

Mary Jane Clark
 P.O. Box 639
 Durango, Colorado 81302
 970 247-1282

Response to Comment 12

Please see the response to Comment 1 for information about the Webb alternatives. The Selected Alternative has been refined to reduce impacts to the Webb Ranch by 9.7 acres.

The planning and NEPA process that was conducted recognized the historic nature of the Webb Ranch and the other ranches on the Florida Mesa. All requirements of the National Historic Preservation Act and Section 4(f) of the U.S. DOT Act of 1966 have been followed. Both of these laws were adopted to acknowledge and recognize historic properties such as the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Collier
Document Number:	Comment 13	City, Zip Code:	Not provided

Response to Comment 13

From: Colliernew@aol.com [mailto:Colliernew@aol.com]
Sent: Friday, August 24, 2012 7:21 PM
To: Shanks, Nancy
Subject: Preserving the Webb Ranch

We are extremely opposed to the plan for taking a part of the Webb Ranch for the widening of Highway 160/550. There are alternatives that are less intrusive and less destructive. Please select one of these.

Please see the response to Comment 1 for information about other alternatives studied. The Selected Alternative has been refined to reduce impacts to the Webb Ranch by 9.7 acres.

Comments

Responses

Source:	E-mail	Name:	Colman, Janise J
Document Number:	Comment 14	City, Zip Code:	Durango, CO 81301

Response to Comment 14

1 of 2

From: jjcolman@gobrainstorm.net
 [mailto:jjcolman@gobrainstorm.net]
 Sent: Saturday, August 25, 2012 11:00 AM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Concerning: Intersection connection between Hwy 550 and Hwy 160

To All concerned:
 The construction of the the [sic] bridge in southwest Colorado to connect Hwy 550 and Hwy 160 / Grandview intersection was extravagant and irresponsible. It was an extreme waste of tax dollars especially since the alignment of the highways were not established and because of the magnitude. This project should never have begun! There is nothing like this massive fly over - Bridge to NO Where - any where in the surrounding area and it has sadly taken over our landscape. PLEASE, you must help to minimize additional effects to the area by not cutting across the Webb Ranch. We feel it is much more important to maintain our rural landscapes and Open Spaces that we all enjoy here in the four corners area.

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection and destroying additional rural open spaces. *(continued on next page)*

Please see the response to Comment 1 for information about other alternatives studied.
 Also, please see the response to Comment 2 about the purpose for the Grandview Interchange project and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Colman, Janise J
Document Number:	Comment 14	City, Zip Code:	Durango, CO 81301

Response to Comment 14 (cont'd)

2 of 2

Cont'd

Please choose to wisely spent our tax dollars by repairing the many Colorado highways and bridges that are in disrepair and dangerous.

There is no need for additional funds to be spent on this project when you have a plan in hand that the Webb family and locals agree would be the best option to minimize the impact for future generations to be able to enjoy the beauty of this great land.

Thank you for your consideration,
 Janise J Colman

465 Terlun Drive
 Durango, CO 81301

The process included development of an Environmental Impact Statement in 2006, followed by a Supplemental Environmental Impact Statement in 2012. To respond to your concern about the wastefulness of construction and repairs and why repairs on our highway system are not taking place in a timely manner, we note that state and federal dollars for road improvements and road repairs are much too low to keep pace with the accelerated rate which our roads are deteriorating. CDOT does the best we can to direct our dollars to the most egregious problems, be it surface treatment, intersection safety improvements, or capacity issues, but we are losing ground every year. With a population of 5,050,870 as of 2010, as many as 2.6 million people travel the state's highways each day. However, a significant portion of the state's highway system dates back to the days of presidents Eisenhower and Kennedy. A prime example of our inadequate funding is illustrated by the fact that while travel along Colorado's highways has increased by 57 percent over the past 20 years, road capacity (defined as new lane miles) has increased by just two percent. 52 percent of the state's highway miles are deemed to be in poor condition, and 33 percent need to be fully reconstructed. In Western Colorado, where roads serve as lifelines between small rural communities and larger areas, deteriorating roads and highways have reached a state of crisis, but funding remains insufficient to meet the demands of the system.

Comments

Responses

Source:	E-mail	Name:	Fischer, Lynne
Document Number:	Comment 15	City, Zip Code:	Durango, CO 81301

From: Lynne Fischer [mailto:lynnegreco@msn.com]
 Sent: Monday, August 27, 2012 11:48 AM
 To: Hunt, Don; Shanks, Nancy; stephanie.gibson@fhwa.dot.gov
 Subject: Bridge to No Where

To Mr. Don Hunt, Ms. Nancy Shanks, Ms. Stephanie Gibson,

I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible. We do not want, or need, these sorts of Denver sized highways in Southwest Colorado. Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed:

Lynne Fischer
 181F Copper Rim Trail
 Durango, CO 81301

Response to Comment 15

Please see the response to Comment 2 about the need for improvements to the Grandview intersection, other alternatives that have been developed and evaluated, and the recent collaborative effort with representatives of the Webb Ranch.

Please see the response to Comment 14 about spending CDOT funds to repair highways rather than add capacity to our transportation system.

Comments

Responses

Source:	E-mail	Name:	Fritch, Robin and Stephen Saltsman
Document Number:	Comment 16	City, Zip Code:	81301

Response to Comment 16

1 of 2

From: Stephen [mailto:flyers@frontier.net]
 Sent: Sunday, August 26, 2012 8:42 AM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Durango Grandview Intersection Fiasco

Don Hunt , Executive Director of CDOT don.hunt@dot.state.co.us
 Local CDOT office: nancy.shanks@dot.state.co.us
 Federal Stephanie.gibson@fhwa.dot.gov
 To Whom it may concern:

I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was and continues to be, extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.
(continued on next page)

Please see the response to Comment 2 about the need for improvements to the Grandview intersection, other alternatives that have been developed and evaluated, and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Fritch, Robin and Saltsman, Stephen	Response to Comment 16 (cont'd)
Document Number:	Comment 16	City, Zip Code:	81301	
<p>2 of 2 <i>cont'd</i> I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.</p> <p>Please consider the extreme cost of this, and not only the millions and millions of our dollars.</p> <p>Signed: Robin Fritch. And. Stephen Saltsman</p> <p>Zip code: 81301</p>				<p>Please also see the response to Comment 14 about spending CDOT funds to repair highways rather than add capacity to our transportation system.</p>

Comments

Responses

Source:	E-mail	Name:	Govreau, Lisa
Document Number:	Comment 17	City, Zip Code:	Not provided
<p>From: Lisa Govreau [mailto:LisaG@BuyDurango.com] Sent: Monday, August 06, 2012 7:38 AM To: Shanks, Nancy Subject: Webb ranch sprawl</p> <p>I agree with Antonia Clark, we need to be more mindful of the development that is occurring south of town. I think this will be an eyesore for the community. Surely there is another way??</p> <p>Lisa Govreau Team Lorenz The Wells Group (970)375-3364 direct (970) 749-4944 cell (970)375-3378 fax (800) 955-0259 ext 1121</p>			

<p>Response to Comment 17</p> <p>Please see the responses to Comment 8 and Comment 10, which were submitted by Antonia Clark.</p> <p>Land development is not within the purview of CDOT. The City of Durango and La Plata County are the jurisdictions that have authority over future land use and development.</p>

Comments

Responses

Source:	E-mail	Name:	Greene, Clover
Document Number:	Comment 18	City, Zip Code:	Ignacio CO, 81137-0116

From: Clover [mailto:clover@westernet.net]
Sent: Thursday, August 09, 2012 2:52 PM
To: Shanks, Nancy
Subject: Do Not Cross Webb Ranch

Dear Nancy Shanks:
State Dept. of Transportation:

.Do not cross Webb ranch. Quit throwing money away trying to cross Webb ranch. Start acting like you care about Colorado values and monies. We neither want or need this land destructive highway.

Clover Greene
270 Browning Avenue, Ignacio CO, 81137-0116
070-56304433

Response to Comment 18

Please see the response to Comment 1. The Selected Alternative has been modified to reduce impact to the Webb Ranch by 9.7 acres.

Please also see the response to Comment 2 about the need for the project and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Griffin, Mary Anne
Document Number:	Comment 19	City, Zip Code:	Durango, CO 81303

From: Mary Anne [mailto:info@magmosaics.com]
 Sent: Sunday, August 26, 2012 8:44 PM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Future intersection of Hwys 550 and 160

I live here, this is my home of 33 years, and think my voice should be heard. Everyday I drive by the beautiful Webb ranch and the proposed Hwy 160-550 intersection. The plan is not logical or efficient as far as price and use of land. Please give our town of Durango and the rural southwest some dignity and listen to the Webb ranch family proposal of making the existing Farmington Hill viable for the intersection. Please consider the alternative the Webb family is investigating and make an effort to work with them. This is my community, I would be interested to know how many letters you receive in favor of this project. Thanks for listening, Mary Anne Griffin
 488 C.R. 220
 Durango, CO
 81303

Response to Comment 19

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives, including those developed by the Webb Ranch family.

Please also see the response to Comment 2 about the need for the project and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Harrison, Merle
Document Number:	Comment 20	City, Zip Code:	Not provided

Response to Comment 20

Please see the response to Comment 1 about other options that have been studied for the Farmington Hill problem.

From: Merle and Lynn [mailto:harrisoncoburn@gmail.com]
Sent: Monday, August 06, 2012 11:29 AM
To: Shanks, Nancy
Cc: Stephanie.givson@fhwa.dot.gov
Subject: Hwy 550 near Durango

Bad decisions happen, but they should not be continued. Please do not move a mountain and destroy a ranch to merely vindicate a previous bad decision. There are much better options available for the Farmington Hill problem.

Thank you.

Merle Harrison

Comments

Responses

Source:	E-mail	Name:	Hendricks, Judy
Document Number:	Comment 21	City, Zip Code:	Durango, CO

From: Judy Hendricks [mailto: e-mail address deletion requested]
 Sent: Monday, August 27, 2012 5:28 PM
 To: Shanks, Nancy
 Subject: Bridge to NOWHERE..

How like bureaucrats to attempt to solve such ignorant moves as 'building the bridges to nowhere', by taking private rights from land owners whose land just happens to lay in the way.... But times are changing..... we the people are watching and our votes will reflect it.....

We are hoping your department will work with the Webb family to save their historic ranch, and design a highway within the current alignment.

Thank you.
 Judy Hendricks
 Durango, Colorado

Response to Comment 21

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections and assistance for people who own land and property that may need to be acquired for a transportation project. It was enacted by Congress to ensure that people whose real property is acquired will be treated fairly and equitably.

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives considered which are close to the current alignment. The Selected Alternative has been refined to reduce impact to the Webb Ranch by 9.7 acres.

The response to Comment 1 also notes the recent collaborative effort to work with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Howell, Adam
Document Number:	Comment 22	City, Zip Code:	Durango, CO 81301

From: Adam Howell [mailto:athowell@gmail.com]
 Sent: Monday, August 27, 2012 10:19 PM
 To: Shanks, Nancy
 Subject: Public comment on US 550 SFEIS June 2012 corrected

Nancy,

I'm writing to advocate that CDOT and the FHWA choose the partial interchange at the existing US 550 and US 160 (South) Intersection alternative. CDOT's engineers and Chris Webb's engineers have come up with drastically different estimates on what this would cost (\$130 million difference). In the end, if CDOT uses the existing alignment, its extra cost will be justified because it will have less of a visual impact on the rural character of the landscape.

Please reject CDOT's preferred [sic] Alternative G and instead choose one of the "R" alternatives offered by Russell Engineering (Design variations T.2.4, T.2.6, T.3.4, and T.3.6) that modifies the existing alignment of US 550. The design variations offered by Russell Engineering would be safer for traffic flow, as well, because they have good solar exposure compared to CDOT's preferred Alternative G, which basically puts US 550 in a canyon leading off of Florida Mesa onto US 160.

Thank You,
 Adam Howell
 Durango, CO 81301

Response to Comment 22

The partial interchange at the existing US 550 and US 160 (South) intersection alternative was developed and evaluated, as documented in Section 2.4.3 and 2.5.3.3 of the 2012 SFEIS. It was not advanced because it did not meet the safety requirements for purpose and need; it had logistical problems and it was substantially more expensive than other alternatives developed. For these reasons, it was not considered reasonable.

Please see the response to Comment 1 about other alternatives that were evaluated including ones submitted by Russell Engineering.

The response to Comment 1 also notes the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Hutchinson, Andy
Document Number:	Comment 23	City, Zip Code:	Dolores, CO 81323

From: Andy Hutchinson [mailto:andyhddory@animas.net]
 Sent: Monday, August 06, 2012 11:19 AM
 To: Shanks, Nancy
 Subject: U.S Hwy/s 550 and 160 interchange

Hello Nancy,
 As a former resident and land-owner at 488 C.R. 220, Durango, CO, I'm writing to express my concerns about the CDOT proposal to extend Hwy. 550 through the Webb Ranch to connect with Hwy. 160 west of Grandview.

I attended several hearing meetings (around years 1999-2002) about these proposals and alternatives as a resident on C.R. 220 for 13 years, and have always been adamantly opposed to a high-speed road which would cut across the fields of he Webb Ranch and alter the "gateway to Durango" views and aesthetics for ever. As one of the first, established ranches in The Durango area, the Webb Ranch should be preserved and coveted for generations to come, and these new, roads (alternative's G and F) would change this forever and not for the better of maintaining rural landscape and beauty to the southern entrance to Durango.

I fully support the alternative to keep the existing Hwy./ ramp off the Florida Mesa and with appropriate signage to reduce speed in place. This will maintain safety and reduce costs and impacts to this area.
 Please support the Webb family's proposal to hold the current, Hwy. 550 in place and keep their ranch pristine.

Thank You,
 Andy Hutchinson
 Dolores, CO 81323

Response to Comment 23

The proposed posted speed of the Selected Alternative (RGM6) is 65 miles per hour just north of CR 220, transitioning to 55 mph farther north. This would not be considered a high speed road.

Sections 4.16.2 and 4.16.3 (on pages 4-82 and 4-83) of the 2012 SFEIS discuss the visual impacts of the Revised G Modified Alternative, including the impact to previously intact, undisturbed landscapes. The 2012 SFEIS also notes that the visual impact of this change in visual character is greater with the other two reasonable alternatives than with the Revised G Modified Alternative. Overall visual impacts to the Webb Ranch would be less with the RGM6 Alternative (which is a refined version of the Revised G Modified Alternative) than with the Revised G Modified Alternative.

Various alternatives to keep the existing highway/ramp off the Florida Mesa were evaluated during the NEPA and 2015 IAA process. See the response to Comment 1 about these alternatives.

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives, including those developed by the Webb family.

Please also see the response to Comment 2 for information about the need for the project and about the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Hutchinson, Andy
Document Number:	Comment 24	City, Zip Code:	Dolores, CO 81323

Response to Comment 24

From: Andy Hutchinson [mailto:andyhddory@animas.net]
 Sent: Monday, August 06, 2012 11:47 AM
 To: Gibson, Stephanie (FHWA)
 Subject: Highway 550 / 160 interchange and Proposed alternatives

Hello Stephanie,
 I'm writing you with concern over CDOT's proposal to extend U.S. Hwy. 550 across the Webb Ranch, near Durango, CO to interchange with Hwy. 160. As a former resident of C.R. 220 (in the immediate area) for 13 years, it's my wish to express my sentiments against the Alternatives G and F which would alter/destroy this historic ranch and gateway to Durango forever. I, along with many, long time residents of Durango feel this is unneeded or wanted, and support that Hwy. 550 should remain in it's current location and through speed reduction signage, widening and grade reduction, safety and congestion can be maintained with minimal impact, cost and energy wise.

As a multi-generational, Native Coloradan, I've seen/ felt the direct results of a major Highway (U.S. 50) going from 2-lane to 4-lane and impacts thereof, bisecting through our Family ranch..forever. Once it's gone it's gone, as the old, saying goes, and there are better, low impact alternatives than the one's proposed for 550/160 interface in CDOT's plans.

Thank you and I appreciate your considerations.

Andy Hutchinson
 18435 Hwy. 145
 Dolores, CO 81323
 970-882-3448

As noted in the response to Comment 1, various alternatives were studied, including ones along the current location of Highway 550. Alternative R5 has greater safety concerns, costs twice as much, and would use more energy because the period of construction would be twice as long.

Please see the response to Comment 2 for information about the need for the project and the recent collaborative effort with representatives of the Webb family.

Comments

Responses

Source:	E-mail	Name:	Ivers, Dana
Document Number:	Comment 25	City, Zip Code:	81301

From: Dana Ivers [mailto:coyotesrevenge@mac.com]
 Sent: Sunday, August 26, 2012 10:26 AM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Cc: Antonia Clark
 Subject: durango webb ranch

To Whom it may concern:

I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.
 Signed: Dana Ivers
 Zip code:81301

Response to Comment 25

Please see the response to Comment 2 for information about the need for the project and the recent collaborative effort with representatives of the Webb family.

Please also see the response to Comment 1 about other alternatives developed and evaluated.

Please also see the response to Comment 14 about spending CDOT funds to repair highways.

Comments

Responses

Source:	E-mail	Name:	Jacob, Jaime
Document Number:	Comment 26	City, Zip Code:	Not provided

Response to Comment 26

From: Jaime Jacob [mailto:jagr2627@yahoo.com]
 Sent: Sunday, August 26, 2012 10:00 PM
 To: Shanks, Nancy
 Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don
 Subject: Highway 550/Highway 160 project

Dear Ms. Shanks,
 I would like to state my opposition to the building of a highway through the historic Webb Ranch. There are other alternatives that would not be so destructive to our ranching heritage. I've seen how much ranchland has been lost to development on the Front Range just in the 35 years of my life. It would be a shame to lose another historical ranch property to development.
 Sincerely,
 Jaime Jacob

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives, including those developed by the Webb Ranch family, which are close to the current alignment. Comment 1 also discussed the recent collaborative effort with the Webb family.

Comments

Responses

Source:	E-mail	Name:	Jenkins, Patricia
Document Number:	Comment 27	City, Zip Code:	Durango, CO

From: Pat Jenkins [mailto:patmjenkins@gmail.com]
Sent: Saturday, August 25, 2012 9:23 PM
To: Shanks, Nancy
Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don
Subject: Webb Ranch and US550

As a taxpayer I urge you to reject the proposal to go through the Webb Ranch and adopt one of the other proposed routes for US550. To perpetuate the waste of this project and destroy the Webb Ranch is a disgraceful waste and use of government money and power. The Webb Ranch should be preserved and treasured, not destroyed to connect to a bridge that should never have been built in the first place.

Patricia Jenkins
690 Silver Mesa
Durango, Co

Response to Comment 27

Please see the response to Comment 1 about other proposed routes for US 550 and recent collaborative effort with the stakeholders, including representatives of the Webb family.

The Selected Alternative is located along the edge of Farmington Hill. Much of the Webb Ranch property will be untouched.

Please see the response to Comment 2 about the need for the project.

Comments

Responses

Source:	E-mail	Name:	Knight, Amy
Document Number:	Comment 28	City, Zip Code:	Durango Colorado

From: Amy Knight [mailto:aimless@bresnan.net]
 Sent: Sunday, August 19, 2012 1:09 PM
 To: Shanks, Nancy
 Cc: stephanie.gibson@fhwa.dot.gov
 Subject: Highway 550/160 Interchange Durango Colorado

Dear Ms Shanks and Gibson

I am writing as a concerned La Plata County citizen regarding the Highway 160/550 interchange. I am most concerned that CDOT needs to stop and please look and all of the alternatives that have been brought before them on this matter. There are many ways to make this interchange work without cutting through the Webb property and destroying a very beautiful part of our county. The "bridge to no where" interchange in my mind has been a huge waste of money and time, with minimal thought on the final product. The need to spend money because you might lose it is not good practice.

Please listen and look at all of the alternatives that are presented to you be for you bring in any bulldozers. There has got to be a much cheaper, practical way to bring this interchange to a final product that all of us can live with.

Thank you for you time in reading this letter

Amy Knight
 Durango Colorado.

Response to Comment 28

Please see the response to Comment 1 about various alternatives that were developed and evaluated and the recent collaborative effort with representatives of the Webb family.

Analysis of the construction cost of various alternatives including ones that do not cross the Webb Ranch has been done. The cheapest alternative is Revised F Modified, which was fully evaluated in the 2012 SFEIS. Two of the Alternative R variations were cheaper than Revised G Modified and two of the variations were more expensive. Alternative R5, the proposal the Webb family submitted during the public comment period for the 2012 SFEIS, would cost approximately twice the amount as the RGM6 Alternative, which is the new Selected Alternative developed after the 2012 SFEIS. At the level of accuracy for the cost estimating prepared, Revised F Modified Alternative, RGM6 Alternative and two of the Alternative R variations are all within a close range of costs such that cost is not a differentiating factor.

Comments

Responses

Source:	E-mail	Name:	Kohin, Judith
Document Number:	Comment 29	City, Zip Code:	Telluride, CO 81435

From: Judith Kohin [mailto:judithkohin@gmail.com]
 Sent: Sunday, August 26, 2012 9:46 PM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: HWY 550

Dear Mr. Hunt,
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed:

Judith Kohin
 106 Redtail Rd.
 Telluride, CO 81435

Response to Comment 29

Please see the response to Comment 2.

Please also see the response to Comment 14 about spending CDOT funds to repair highways.

Comments

Responses

Source:	E-mail	Name:	Konz, Larry
Document Number:	Comment 30	City, Zip Code:	Durango, CO

From: lak1966@aol.com [mailto:lak1966@aol.com]
Sent: Monday, August 06, 2012 9:23 PM
To: Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
Subject: Co Hyw [sic] 550

Dear Reps,
I urge you to approve the crossing of the Webb Ranch in Durango for improving Hwy 550. The current road is dangerous and ineffcient [sic]. This is the best way to move our community forward and prepare for the future.
Sincerely,
Larry Konz
Durango, CO

Response to Comment 30

The Preferred Alternative from the 2012 SFEIS was refined after the 2012 SFEIS. It is now called RGM6, the Selected Alternative. The reasons it has been selected are described in Section 2.3 of this ROD.

Comments

Responses

Source:	E-mail	Name:	Koons, Bill
Document Number:	Comment 31	City, Zip Code:	Durango, CO

Response to Comment 31

Please see the response to Comment 30.

From: B. Koons [mailto:wkoons@frontier.net]
Sent: Tuesday, July 24, 2012 4:51 PM
To: Shanks, Nancy
Subject: 550 re-alignment

Hi
I fully support the re-alignment plans for hwy 550. I'm a paramedic with DFRA and know this will be a safer road when we get it done. please don't let the vocal minority hold this up any longer. Find the funds thank you Bill Koons Durango

Comments

Responses

Source:	E-mail	Name:	Koski, May
Document Number:	Comment 32	City, Zip Code:	Cupertino, CA 95014

From: May Koski [mailto:maykoski5@gmail.com]
 Sent: Friday, August 24, 2012 5:45 PM
 To: Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov; Hunt, Don
 Subject: Highway 550 expansion between Durango and Farmington, New Mexico

Good afternoon,

I am writing to strongly request that all government parties who are working on the plans to expand Highway 550 between Durango, CO and Farmington, NM work with the Webb family on creating a safe design that does not dissect and destroy the Webb Ranch. Progress needs to consider historical value and natural beauty, and the Webb family has these goals in mind, without trying to stop this project all together.

Thank you for taking my views into consideration,

May Koski
 maykoski5@gmail.com
 Cupertino, CA 95014

p.s. - My husband's family has owned a cabin near Durango for over 35 years.

Response to Comment 32

CDOT and FHWA have met with the Webb family on numerous occasions and have analyzed alternatives that have been suggested by the Webb family. Please see the response to Comment 2 about the recent collaborative effort, including meetings, with the Webb family.

The Preferred Alternative from the 2012 SFEIS, Revised G Modified Alternative, has been refined after the 2012 SFEIS to reduce impacts to the Webb Ranch by 9.7 acres.

This process has resulted in a safe design, which respects the historical values and natural beauty of the Florida Mesa area. The State Historic Preservation Officer has concurred with the assessment of impacts to the Webb Ranch and other historic ranches. The requirements of two federal laws, the National Historic Preservation Act and Section 4(f) of the 1966 U.S. DOT Act, have been followed. Both of these laws protect historic properties.

Comments

Responses

Source:	E-mail	Name:	Krug, Christy and Steve
Document Number:	Comment 33	City, Zip Code:	Durango, Colorado

Response to Comment 33

From: Stephen J. Krug [mailto:krugs@bresnan.net]
 Sent: Saturday, August 25, 2012 3:42 PM
 To: Hunt, Don
 Cc: Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Grandview Intersection and highway 550 crossing through the Webb Ranch

Dear Mr. Hunt,
 Every time my husband and I drive by the Grandview Intersection and the now famous "Bridge to No Where" we shake our heads and wonder how on earth that ever happened. But now that they're there, there's nothing that can be done about it. Nevertheless, looking ahead we should all make sure that the mistake isn't compounded by putting a road through the beautiful, pristine Webb Ranch. There is no reason in the world to have that highway cross through their property. Please work with the Webb Family and their engineers and let's make this work out without ruining the beauty and historic value of the ranch.
 The best projects are the ones that are done with the help and input of private citizens. We are the ones who live here and travel these roads. We are the ones who pay the taxes, and it is important that our suggestions be taken into account.
 We thank you in advance for your attention to this matter.
 Sincerely,
 Christy and Steve Krug
 Durango, Colorado

Please see the response to Comment 1, which describes the alternatives that were suggested by the Webb family and their engineers and which have been considered in the study.
 The Preferred Alternative from the 2012 SFEIS, Revised G Modified Alternative, has been refined after the 2012 SFEIS, reducing impacts to the Webb Ranch by 9.7 acres.
 Please see the response to Comment 1 about the recent collaborative effort, which included numerous meetings with representatives of Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Lewandowski, Joe
Document Number:	Comment 34	City, Zip Code:	Durango, CO 81301

From: Joe Lewandowski [mailto:joelewski@hotmail.com]
 Sent: Sunday, August 26, 2012 2:28 PM
 To: Hunt, Don; Shanks, Nancy; stephanie.gibson@fhwa.dot.gov
 Subject: RE: Highway 550-160 alignment near Durango

26 August 2012

To Whom it may concern:

I urge the Colorado Department of Transportation to go back to the drawing board for the U.S. Highway 550-160 project near Durango, known commonly as "the bridges to nowhere" and Grandview interchange.

This project was ill conceived and was not vetted properly with the citizens of La Plata County. The project design reminds me of something out of the 1950s. No consideration [sic] was given to the cultural values of the citizens of southwest Colorado, nor to the aesthetic values of this unique western landscape. To cut a swath through such pristine rangeland is unconscionable. This sort of construction, I thought, went out in the middle of the last century.

The alternative proposal to rebuild the Farmington Hill interchange might not meet the strict, unbending specifications of C-DOT engineers; but it can be constructed in a manner that provides adequate safety, improves traffic flow, and -- most important -- preserves valuable rangeland and scenic values for which southwest Colorado is known. *(continued on next page)*

Response to Comment 34

One of the requirements of the NEPA process is involvement of the public and agencies in the process. This has happened both during the 2006 US 160 EIS process (including three public meetings) and in the reevaluation and supplemental EIS process for the US 550 South Connection to US 160. Recent public involvement included a public hearing for the 2011 SDEIS in November 2011 and a public open house on December 1, 2014. In addition, newsletters, Web site updates, and one-on-one and small group meetings with affected stakeholders were held. During the 2006 US 160 EIS process, hundreds of people participated. CDOT and FHWA have received a number of public and agency comments that have all been incorporated into this NEPA process. FHWA has carefully considered all comments in their decision-making process.

Please see the response to Comment 1, which discusses the alternative proposal to rebuild the Farmington Hill interchange.

Please also see the response to Comment 2 which discusses the need for the project and the recent collaborative effort that included the Webb family.

The requirements of two federal laws, the National Historic Preservation Act and Section 4(f) of the 1966 U.S. DOT Act, have been followed. Both of these laws protect historic properties.

Comments

Responses

Source:	E-mail	Name:	Lewandowski, Joe
Document Number:	Comment 34	City, Zip Code:	Durango, CO 81301

2 of 2

cont'd

It's time for the leaders at C-DOT to do the right thing. It's a shame that so much money was wasted in building useless bridges, but that is no reason to spend many tens of millions of dollars more on a project that, ultimately, will prove destructive to La Plata County and southwest Colorado.

Sincerely,
Joe Lewandowski
708 Obrien Drive #2
Durangto [sic], CO 81301
970-799-4011

Comments

Responses

Source:	E-mail	Name:	Lord, Charles
Document Number:	Comment 35	City, Zip Code:	Durango, CO

Begin forwarded message:

From: Charles Lord <clord@gobrainstorm.net>
 Date: August 27, 2012 3:58:15 PM MDT
 To: "nancy.shank@dot.state.co.us"
 <nancy.shank@dot.state.co.us>
 Cc: "Stephanie.gibson@fhwa.dot.gov"
 <Stephanie.gibson@fhwa.dot.gov>
 Subject: The bridge at Webb Ranch

I would like to state my opposition to the proposed connection of HWY 550 with the Bridge. I have no vested interest in the project. However, I believe this connection is unnecessary at this time or even in the near future and has been proposed solely as a justification for the poorly conceived bridge. Surely there are many more justifiable project to spend this money on even if not benefiting Durango where I live. I have never encountered any problems with wait times or access of any kind in using the Farmington Hill approach. Virtually any accident on this route is caused by carelessness or aggravated behavior.

Lastly, and importantly, it is still a largely pastoral portal to our city. There is plenty of opportunity for commercial interests to spread in this vicinity. If we allow this construction to take place it will probably cause an irreversible slide toward a commercialization that would not be conducive to our spirit as a mountain tourist town. Change will surely come, but this needs to be considered far beyond the needs of finishing an embarrassing project. Charles Lord, Durango, CO.

Response to Comment 35

Please see the response to Comment 2 about the need for the Grandview Intersection.

Information about the types of accidents that currently occur on the Farmington Hill approach is contained in the 2012 SFEIS, in Section 1.6.2.1. Ninety-one percent of the crashes on the US 550 descent to the intersection are related to the steep winding roadway, icing conditions and roadway obstructions that contribute to drivers losing control of their vehicles.

Section 4.1.2 of the 2012 SFEIS provides information about the anticipated inducement of growth associated with any of the build alternatives. Although improvements could induce growth in some areas by making them more accessible, this growth would not exceed the county-wide growth forecasts. This growth has been planned by the City of Durango in their *Grandview Area Plan*. The build alternatives are consistent with the *Grandview Area Plan*.

Comments

Responses

Source:	E-mail	Name:	Love, Vicki
Document Number:	Comment 36	City, Zip Code:	Durango, CO 81301

From: Vicki Love [mailto:vlove54@gmail.com]
 Sent: Sunday, August 26, 2012 8:23 AM
 To: Shanks, Nancy
 Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don
 Subject: Historic Webb Ranch

Please work with the Webbs on preserving the historic Webb Ranch on Farmington Hill. It sounds like they have presented many ideas for the bridge that would preserve the ranch and work for the interchange. I believe they know the area better than anyone and are correct in their assessment that the bridge does not need to go through the ranch. Please listen to the Webb's ideas and allow the land to be preserved in it's current beauty.
 Sincerely,
 Vicki Love
 Spring Creek Dr. Durango, CO 81301
 vlove54@gmail.com

Response to Comment 36

Please see the response to Comment 1, which describes the other alternatives that were considered, many of which were suggested by the Webbs. Response to Comment 1 also provides information about the recent collaborative effort with representatives of the Webb Ranch.

The Preferred Alternative from the 2012 SFEIS has been refined to reduce impacts to the Webb Ranch by 9.7 acres. The new selected Alternative is called RGM6.

Comments

Responses

Source:	E-mail	Name:	Lukso, Marty
Document Number:	Comment 37	City, Zip Code:	Not provided

1 of 2

From: Steph and Marty Lukso
 [mailto:luksogypsies@frontiernet.net]
 Sent: Saturday, August 25, 2012 6:04 PM
 To: Shanks, Nancy
 Subject: Public reply

Just in case the message didn't get to your in-box or offices, your project is the laughing stock of local conversations here in Durango.

Normally, I may not pay much attention to who laughs at what, but as a civil engineer and a one-time highway department employee, I see it as an irresponsible, grossly over-complicated and completely inappropriate project.

Obnoxious in 3 ways:

1. Irresponsible: Pompous negligence in failing to obtain all ROW property before launching construction of the existing "Bridges to Nowhere".
2. Overly complicated: A "T" intersection between 2 highways doesn't require a Las Vegas style "spaghetti bowl".
3. Inappropriate: This small recreation/ranching/mountain town known for its authentic historic preservation is the wrong place for interstate style interchanges.

"Public" review? For what? If the overwhelming opposition to the project means little to CDOT, then drop the phoney pretense and admit its hypocrisy. Or if the public opinion is sincerely an essential and paramount consideration, then give it the gravity and importance it deserves by terminating the project.
(continued on next page)

Response to Comment 37

As described in Appendix A of the 2012 SFEIS (the response to Common Comment 8), the right of way process proceeds in phases, as CDOT obtains funding for each phase. That is the reason not all of the right-of-way to build the entire interchange was acquired at the same time. CDOT proceeded in this manner after carefully determining that the Grandview Interchange as it currently exists is independent of any of the other phases of the interchange.

See the response to Comment 2 about the need for the project and about the recent collaborative effort which included representatives of the Webb family.

Other alternatives were developed and evaluated as described in the response to Comment 1.

Comments

Responses

Source:	E-mail	Name:	Lukso, Marty
Document Number:	Comment 37	City, Zip Code:	Not provided

Response to Comment 37 (cont'd)

2 of 2

Cont'd

At a time when hundreds of existing nationwide bridges are sorely in need of repair or replacement, such wanton and wasteful spending is misguided and exhibits a lack of responsible prioritizing of the critical needs of our infrastructure.

Do you folks at CDOT & FHWA really want to add to your sometimes questionable reputations by squandering another \$80 million or so to repeat and double this shameless fiasco?
 Marty Lukso, BSCE

Please also see the response to Comment 14 about the lack of funding for highway projects.

Comments

Responses

Source:	E-mail	Name:	Magill, Bet L
Document Number:	Comment 38	City, Zip Code:	Durango, CO 81302

Response to Comment 38

1 of 2

From: bmagill@frontier.net [mailto:bmagill@frontier.net]
 Sent: Sunday, August 26, 2012 10:42 PM
 To: Shanks, Nancy; Hunt, Don
 Cc: stephanie.gibson@fhwa.dot.gov
 Subject: Durango's embarrassing bridges to no where

To Whom It Should Concern:

I have been a resident of the Durango area for many years. I have always trusted that the projects involving our way of life here...whether state or local monies were involved, were always done with a great deal of consideration and that the decisions were made for the preservation of a way of life and a respect for the land that I have always thought was representative of Colorado and even moreso Durango.

When the strange group of overpasses, something never needed in a community like Durango before, started being constructed years ago, I know I was not the only one who wondered what in heck was going on. I worried that someone knew something about Durango that I did not know...like that it was going to double in size for some strange reason. Now I have come to realize it was an unprecedented expenditure of millions of dollars for something we definitely did not need at all. And that it involved a plan to ruin an historic ranch and archaeological ruins as well. This is not representative of the way Durango or La Plata County does things....so I do not understand how this ridiculous project got this far. A simple survey of residents would have yielded the knowledge that nothing like this could even remotely be needed to replace the one stop light at the bottom of Farmington Hill.

The numerous unused and extremely expensive overpasses have come to be an embarrassment and are not at all in the spirit of our community or our regard for the beauty and heritage of our area. *(continued on next page)*

Please see the response to Common Comment 9 (contained in Appendix A of the 2012 SFEIS) for information about the purposes the existing Grandview interchange serves.

CDOT works closely with representatives of the City of Durango, La Plata County, and other agencies who are responsible for land use planning to make sure transportation investments are made that will serve future populations and employment centers. Representatives of the Growth Fund Real Estate Group have recently stated that the connection of US 550 to the US 550/US 160 interchange is vital to the success of the Three Springs development.

Comments

Responses

Source:	E-mail	Name:	Magill, Bet L
Document Number:	Comment 38	City, Zip Code:	Durango, CO 81302

Response to Comment 38 (cont'd)

2 of 2

Cont'd

I understand that the Webb family ranch has at their own expense provided engineering studies for more feasible, less disruptive, and far less expensive alternatives to the intersection in question.

I hope it is not too late to do the right thing here. Unfortunately \$76 million dollars of tax payers' money has been spent on a ridiculous solution to simple problem. I wish that we as local tax payers could have weighed in on this project with full knowledge of how it was being done and what would be destroyed in the process.

I am also sorry for the grief and stress this has caused one of our long time ranching families. They did not deserve this. I think they genuinely want to preserve the area. They have no desire to make millions ...they have made it clear that they would rather see the area preserved. As we all know, once something is destroyed, there is no getting a second chance to do the right thing.

We do not need some huge highway with overpasses into Durango. We do not need another casino. We do not need a housing development plopped on top of that mesa. We need some common sense and some logical solutions.
 I hope it is not too late.

Sincerely,

Bet L. Magill
 P. O. Box 743
 Durango, Co. 81302

Please see the response to Comment 1, which discusses the analysis done by CDOT of the various alternatives, including those developed by the Webb Ranch family, which are close to the current alignment. Although feasible, these alternatives are not less disruptive or less costly than the RGM6 Alternative, which is the Selected Alternative, as described in Section 2.3 of this ROD.

Substantial information was provided to the public during the 2006 US 160 EIS process and during this subsequent reevaluation process. This information included full disclosure of the potential impacts of the project.

Please also see the response to Comment 2 which provides information about the need for the project and also describes the recent collaborative effort with representatives of the Webb Ranch.

CDOT has no authority over land use decisions, such as housing developments or casinos.

Please also see the response to Comment 10 about past and future opportunities for public input.

Comments

Responses

Source:	E-mail	Name:	Maslak, Greg and Shana
Document Number:	Comment 39	City, Zip Code:	Not provided

From: GREG AND SHANA MASLAK
 [mailto:gregnshana@msn.com]
 Sent: Thursday, August 23, 2012 7:15 PM
 To: Shanks, Nancy
 Subject: Wasteful project

I hope you have gotten a million of these and this adds to them, my name is Shana Maslak and my maiden name is Swanemyr. The Swanemyr family has been in this county, La Plata, for 100 years and in Archuleta county a hundred before that. Still here, and we have family coming up that will live here another 100 plus. I am saddened that the Webb ranch, county road 220 is under fire, have you taken a look at any time at this pristine place, lot of history there. I'm not sure why it needs to be taken out and screwed completely up, I feel there are alternative ways to utilize the bridges to no where. The bridges to no where should never have been built. Myself and others that have lived here for any length of time feel a fly over from Farmington Hill into the south corridor of Durango would be the only answer, that's where money would have been spent wisely. Ask the people of the community, what does the majority say and why don't the people have a voice. No, instead let some jack ass from the state build a monument to themselves. Give me a break!

Response to Comment 39

Please see the response to Comment 1 about numerous alternatives that were developed and evaluated.

Please also see the response to Comment 10 about past and future opportunities for public involvement in the NEPA process. This has included recent meetings with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	McCormack, Liz
Document Number:	Comment 40	City, Zip Code:	81301

From: Liz McCormack [mailto:liz@mydurango.net]
 Sent: Saturday, August 25, 2012 7:06 AM
 To: Shanks, Nancy
 Subject: bridge to no where

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: Liz McCormack

Zip code: 81301

Response to Comment 40

Please see the response to Comment 2 about the need for the project and about the recent collaborative effort which included meetings with representatives of the Webb Ranch.

Please also see the response to Comment 1 which describes other alternatives that were considered.

Please also see the response to Comment 14 about spending CDOT funds to repair highways.

Comments

Responses

Source:	E-mail	Name:	Mear, Sharon
Document Number:	Comment 41	City, Zip Code:	Not provided

From: Sharon Mear [mailto:sharon.mear@mac.com]
Sent: Friday, August 24, 2012 3:26 PM
To: Shanks, Nancy
Subject: Webb ranch

Please do not destroy this beautiful rural area with your highway.
Find a different way.

Sharon Mear

Response to Comment 41

Please see the response to Comment 1, which discusses the different alternatives CDOT has examined.

Comments

Responses

Source:	Letter	Name:	McNeill, Thomas
Document Number:	Comment 42	City, Zip Code:	Not provided

Response to Comment 42

Please refer to the letter to you from John M Cater, Division Administrator of the US DOT Federal Highway Administration, dated August 1, 2012. This letter contains responses to your questions posed in your July 27 letter. This letter is contained in its entirety in Appendix C of the Record of Decision.

1 of 2



500 WOODWARD AVENUE, SUITE 4000
 DETROIT, MI 48226-3425
 TELEPHONE: (313) 223-3500
 FACSIMILE: (313) 223-3598
 http://www.dickinsonwright.com
 THOMAS G. MCNEILL
 TMCNEILL@dickinsonwright.com
 (313) 223-3632

July 27, 2012

John M. Cater
 Division Administrator
 U.S. Dept. of Transportation
 Colorado Division - FHWA
 12300 W. Dakota Avenue, Ste. 180
 Lakewood, CO 80228

Re: Memorandum of Agreement, US 550 Connection to US 160 at Farmington Hill
 La Plata County, Colorado

Dear Mr. Cater:

We have received your letter dated July 9, 2012, enclosing the "final Memorandum of Understanding" (MOU) and inviting our clients to sign the document.

We also have received your letter dated July 10, 2012, enclosing a copy of the Supplemental Final Environmental Impact Statement/Section 4(f) (SFEIS), indicating that a notice of availability would be published in the *Federal Register* on July 20 and that a "public availability period" would commence on that date and conclude on August 20.¹ By your letter dated July 16, 2012, FHWA has extended the availability period through August 27, 2012.

Under the National Environmental Protection Act of 1969 (NEPA), 42 U.S.C. § 4321, *et seq.*, upon issuance of Final EIS (or Supplemental Final EIS), the agency must wait thirty days before making a decision. *See*, 40 CFR 1506.10(b)(2). *See also*, <http://www.epa.gov/oecaerth/nea/eisdata.html>. We note that under 40 CFR 1503.1(b) FHWA did not request further comments. However, under that same regulatory section the public is entitled to submit further comments and the owners of Webb Ranch intend to do so. In its July 23, 2012 press release, CDOT advised: "Although there will be no formal response to comments made on the SFEIS, all comments will be *considered* during preparation of the ROD." (emphasis added).² This violates FHWA's policy that it "will *address* any new and substantive comments submitted during the 30 days following the FEIS publication." *See*, <http://www.fhwa.dot.gov/hep/section6002/2.htm> @ p. 2 (emphasis added). We trust that FHWA will adhere to its policies and require that CDOT do so.

¹ We note that your July 9, 2012 letter indicated the SFEIS "will be made available later this summer," which you then sent to us the next day.

² <http://www.coloradodot.info/news/2012-news-releases/07-2012-cdot-federal-highway-administration-announce-preferred-alternative-for-a-us-550-at-us-160-connection-in-grandview>.

(continued)

on next page)

Comments

Responses

Source:	Letter	Name:	McNeill, Thomas
Document Number:	Comment 42	City, Zip Code:	Not provided

2 of 2
cont'd

DICKINSON WRIGHT PLLC

John M. Cater
 July 27, 2012
 Page 2

Based upon the foregoing, it is premature for FHWA to seek execution of the MOU because FHWA legally is precluded from making a decision until August 28, 2012.

If FHWA renders a decision to adopt the SFEIS as presently constituted -- selecting the Revised G Modified Alternative as FHWA's preferred alternative, rejecting the "No Action" alternative and rejecting without further study or development the four variations of the R Alternative -- our client will then decline to execute the MOU. In that instance, it would be our client's position that FHWA will have violated Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303(c), and the regulations promulgated thereunder, and will have acted arbitrarily and capriciously with respect to all applicable federal statutes. On behalf of our client, we hereby reserve all rights and remedies, whether stated herein or otherwise, as to FHWA, CDOT, the Departments of Transportation and Interior and any federal or state agency that has made, or will make, a decision or determination in this matter.

We request that FHWA include this letter in the administrative record.

Very truly yours,



Thomas G. McNeill

TGM:lm

- cc: Daniel Gregory, Esq.
- Lawrence P. Hanf, Esq.
- Kerrie Neet
- Daniel Jepsen
- Anthony Cady
- Stephanie Gibson
- Carol Legard
- Edward Nichols
- Mary Jane Hood
- Amy Pallante

DETROIT 47919-2 1253385v2

Comments

Responses

Source:	E-mail	Name:	Meisenheimer, Andy
Document Number:	Comment 43	City, Zip Code:	Tyler, TX 75701

Response to Comment 43

From: andy meisenheimer [mailto:andycouri@yahoo.com]
 Sent: Friday, August 24, 2012 2:31 PM
 To: Shanks, Nancy
 Subject: Webb Ranch

Hello Nancy: As a past employee with the Dept of interior and employee with Bureau of Reclamation, I've had the blessed experience of travelling across the indian lands mostly west of Durango as an employee. The views is what I live for. . The mesa that the Webb Ranch sits on has the most breathtaking view of entering Colorado From New Mexico travelling north I have ever seen. Another one is just on the mancos hill travelling east over the crest. Please consider the alternative routes that the Webb Ranch has spent good money on. Who else would spend their own money to help the government on this. Once a view is gone it is forever. Save some money and use the alternatives. Thank you for your consideration.

Andy Meisenheimer
 Architect/Developer
 Century 21 First Group
 1310 ESE Loop 323
 Tyler, Tx. 75701

Please see the response to Comment 1, which discusses alternative routes suggested by the Webbs.

Comments

Responses

Source:	E-mail	Name:	Mixter, Michael
Document Number:	Comment 44	City, Zip Code:	Durango, CO

Response to Comment 44

From: Stixter Mixter [mailto:stixter52@optimum.net]
 Sent: Sunday, August 26, 2012 8:43 PM
 To: Hunt, Don; Shanks, Nancy; stephanie.gibson@fhwa.dot.gov
 Subject: Bridge to nowhere

Hello,

In my daily commute, I travel either on Hwy 160 under the now-infamous bridge to nowhere (BTN) complex or up Hwy 550 on Farmington Hill. Every day, I'm dismayed at the monument to brazen and ill-conceived planning that the bridge represents, and more amazed that the current Farmington Hill route won't be re-aligned to an acceptable standard. While it may justify the current ill-begotten investment in the BTN, the planned route through the Webb Ranch further rationalizes a poor plan and destroys an amazing piece of area history --- however convenient and extravagantly funded the project may be.

Please reconsider working with the Webb family to realign the existing Farmington Hill route; the viable result would be less costly, less destructive, and would render the BTN monument a testament to brave reconsideration, not reckless planning.

Thank you for your consideration.

Sincerely,
 Michael Mixter
 Durango, Co

Please see the response to Comment 2 which discusses the need for the Grandview Interchange and the response to Comment 1 which discusses the other alternatives that were suggested by the Webb family. These responses to comments also describe the recent collaborative effort which included meetings with the Webb family.

Comments

Responses

Source:	E-mail	Name:	Murison, Lynne
Document Number:	Comment 45	City, Zip Code:	Durango, CO 81303

Response to Comment 45

From: Lynne Murison [mailto:murisonl@aol.com]
 Sent: Sunday, August 26, 2012 5:07 PM
 To: Shanks, Nancy
 Subject: Fwd: US 550 @ 160 SFEIS

29024 Hwy 160
 Durango, CO 81303
 August 24, 2012

CDOT
 Region 5- Environmental Unit
 3803 North Main Ave, Suite 300
 Durango, CO 81301

Gentlemen, Ladies:

Please accept my comments on the US 550 at US 160 Supplemental Environmental Impact Statements.

I support the final recommendation of the primary connection by this study through the Webb property.

The Skyview subdivision has 27 acres, including 22 green conservancy acres and one business, which would all be destroyed by the Eastern alternative route. This is a close-knit community of homeowners and renters which was formed nearly 40 years ago. The other alternative route would destroy an established business.

Please continue your look at the financial and social impact of using the alternative routes vs. the Webb property.

Thank you.

Yours truly,

Lynne Murison
 Skyview Subdivision

As you note, the Revised G Modified Alternative was the Preferred Alternative in the 2012 SFEIS. It has been refined and is now called RGM6 (the Selected Alternative) for the reasons noted in Section 2.3 of this ROD.

Comments

Responses

Source:	E-mail	Name:	Pahlke, Eric
Document Number:	Comment 46	City, Zip Code:	Durango, CO 81303-7685

Response to Comment 46

From: PAHLKEE@aol.com [mailto:PAHLKEE@aol.com]
 Sent: Tuesday, August 07, 2012 10:33 AM
 To: Shanks, Nancy
 Subject: 550 route

CDOT/Nancy Shanks:
 It is my opinion the route for 550 should be the best route from a financial and logical view point given the progress up to now. I remember the beginning of this discussion and it appears the Webb family gave the impression it would be OK to cross their property. With the new roads now in place, it would be too costly to back track and reroute 550 compromising safety. The Webb ranch might be a beautiful place, but the public has the right to a safer road capable of carrying the increased traffic load to come in the near future.

Eric Pahlke pahlkee@aol.com
 1138 Spring Rd., Durango, CO 81303-7685

The Revised G Modified Alternative was the Preferred Alternative in the 2012 SFEIS. It has been refined and is now called RGM6 (the Selected Alternative) for the reasons noted in Section 2.3 of this ROD.

Comments

Responses

Source:	E-mail	Name:	Puller, Mary
Document Number:	Comment 47	City, Zip Code:	Durango, Colorado

1 of 2

From: Mary Puller [mailto:puller@durangoarts.org]
 Sent: Saturday, August 25, 2012 1:42 PM
 To: Stephanie.gibson@fhwa.dot.gov; Shanks, Nancy; Hunt, Don
 Subject: unnecessary roadway construction near durango, colorado....

I am writing to comment on the wasteful construction that has taken place here in southwestern colorado, construction of ridiculous and overly massive bridgework, prior to adequate community input and/or consent from adjacent land owners, as to where the bridges are going, what do they connect with, etc..... What is the matter with agencies of the state or federal government that make them believe that community input or just plain COMMON SENSE can be overlooked.....

This area around durango, colorado has maintained a sense of community BECAUSE we tend to discuss issues.....the fact that the highway dept feels that it can, "condemn" a property to make way for an overdesigned and unnecessary "short-cut" is ludicrous at best!! WHY are we spending such money for something that is not only undesirable [sic] but unnecessary, when we are all looking at SO MUCH infrastructure that needs to be repaired!! where is the common sense in this? Can anyone answer why repairs on our highway systems are not taking place in a timely manner?

On top of this, the land in question has not only historic but pre-historic value...should we as citizens here begin to write for historic designation on this property in order to protect it?....AND, why did not the agencies involved in this fiasco do
(continued on next page)

Response to Comment 47

Please see the response to Comment 10 about the substantial public involvement process that was conducted.

Please see the response to Comment 2 about the need for the project.

Please see the response to Comment 14 which describes the process followed to develop the Environmental Impact Statements and to determine how best to allocate funds while working with CDOT's funding constraints.

The planning and NEPA process that was conducted recognized the historic nature of the Webb Ranch and the other ranches on the Florida Mesa. All requirements of the National Historic Preservation Act and Section 4(f) of the U.S. DOT Act of 1996 have been followed. Both of these laws were adopted to acknowledge and recognize historic properties, such as the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Puller, Mary
Document Number:	Comment 47	City, Zip Code:	Durango, Colorado

2 of 2

cont'd

their homework in regards to the pre-historic structures on the ranch land that these bridges were supposed to connect with?

I am embarrassed [sic] as a resident of this state that such thoughtless decisions are being made,what else is coming "down the pike", as you say, that citizens are not aware of...decisions that inevitably cost us taxpayers money....

I do believe that we as a species are not using the brain cells that I presume are available to many of us, or maybe I am wrong to presume there is logical thought available to homo sapiens any longer...it seems so much these days happens without thoughtfully considering the repercussions.....

I would hope that someone in our state government can enlighten me in regards to this process that was obviously not well thought through, as well as why a thorough environmental [sic] impact statements was not required and produced.

I would very much like a response to my questions.

Sincerely,
 Mary Puller
 Durango, Colorado

Comments

Responses

Source:	E-mail	Name:	Purse, John
Document Number:	Comment 48	City, Zip Code:	Not provided

Response to Comment 48

1 of 2

From: John Purser [mailto:j_purser@yahoo.com]
 Sent: Monday, August 27, 2012 10:23 PM
 To: Shanks, Nancy
 Subject: Comment - US 550 at US 160 Supplemental Environmental Impact Statement

The need for a new 550 to 160 interchange is based on a traffic growth projection of 2.25%. This number is very suspect. The projection is based on a historical range of years where anomalous conditions existed. Growth in La Plata County was driven by a gas industry expansion that is no longer occurring. If you can find anyone left in town that was in the gas exploration or drilling business you'll find there is no expectations of a future boom in La Plata County. New methods of extraction and discovery of new fields in other parts of the country make it unlikely that even current levels of production will be maintained. This can be seen in tax revenues collected by La Plata County from the gas industry. These tax revenues are already falling. This reflects the falling level of gas production in the county. The other significant factor of housing industry growth that was created by poor (insane) federal government policy and has proven unsustainable. It is very unlikely that these growth levels will be seen in the foreseeable future. So an expectation of traffic expansion of 2.25% for the next 15 years is very unlikely.

The preferred alternative of expanding the exiting 550 and bisecting the Webb ranch to join the "Bridge to Nowhere" seems extremely hard to justify on safety grounds, especially in winter driving conditions. Having a multiple lane bridge with north facing slopes terminating a four lane highway seems very
(continued on next page)

CDOT has re-examined the traffic projections for the future year and, as you note in your comment, we have reduced the annual traffic background growth rate from 2.25% to 2.0%, to more accurately reflect historical traffic growth over the last ten years. This information is contained in Appendix A of the 2012 SFEIS, as the response to Common Comment 1. Additional information about traffic projections is contained in the 2015 IAA.

Housing and commercial development in the Three Springs area has picked up over the last year. In discussions in September 2012 and again in spring 2014 with planners of the Three Springs area, over the last year, there has been increased residential growth, retail growth and growth in the health care industry, suggesting that the area is starting to return to more traditional growth patterns.

CDOT performed a safety analysis of the RGM6 Alternative. The termination of a four-lane roadway to a roundabout is not uncommon. As US 550 approaches the interchange, the downhill grade will flatten out as the highway approaches the bridge crossing before reaching the roundabout. The flattening of the grade along with the approaching bridge structure will impart a feeling to motorists to slow down as they approach this connection. CDOT will also reduce the speed limit as motorists begin to approach the bridge and roundabout. The design of the interchange will provide a specific northbound to westbound ramp (roundabout bypass ramp) for motorists who are making this turning movement. The "bypass" ramp will be separate from the roundabout so those vehicles making this movement to US 160 will not have to travel through the roundabout.

Regarding the northbound to westbound ramp bridge, this bridge has been designed to accommodate trucks and vehicles even during snow conditions. The ramp and bridge are super elevated (banked) to help vehicles traverse it safely without sliding to the outside of the lane. This is designed according to the American Association of State Highway and Transportation Officials design criteria. In addition, conduits have been added to all the structures to accommodate the addition of an automated deicing system in the future to help prevent roadway icing on all of the bridges.

Comments

Responses

Source:	E-mail	Name:	Purse, John
Document Number:	Comment 48	City, Zip Code:	Not provided

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cont'd

questionable. Not only does the bridge itself have north facing slope, but the off ramp to Durango will be banked towards the north and bridge multiple ravines. I'm sure all the bridges will have nice signs warning of icy conditions in the winter, that hardly makes them safe. So the preferred alternative is to slow traffic down on a bridge with a north facing slope and then have the traffic negotiate an on ramp with north facing banking over multiple ravines. Alternatively the traffic can continue on to a traffic circle. The traffic circle will also be handling the traffic from Durango going to the expected commercial development in Three Springs. CDOT has already said the "Bridge to Nowhere" is justified based on expected traffic for the commercial development in Three Springs. This means it's in large part justified by traffic from Durango, and now they want to terminate a 4 lane road from Farmington at that traffic circle as well. It's very difficult for me to see the sense in that. People in Durango struggle with traffic circles with 2 lanes no you want to terminate a 4 lane road at a traffic circle.

The 550 160 interchange improvement to handle increased traffic does not appear to be justified on future traffic expansion. The preferred alternative also seems to be not well thought out. This seems more a project of bureaucratic momentum and political pork. The more I read of the plans, alternatives, and impact statements, the worse the project looks. The questions and comments I raised a year ago have not been addressed.

Regards, John Purser

Comments

Responses

Source:	E-mail	Name:	Richards, Grant
Document Number:	Comment 49	City, Zip Code:	81122

From: Grant Richards [mailto:grantkenai@msn.com]
 Sent: Tuesday, August 28, 2012 2:58 PM
 To: Hunt, Don; Stephanie.gibson@fhwa.dot.gov; Shanks, Nancy
 Subject: Fw: CDOT. one last email. New info

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: Grant Richards
 Zip code: 81122

Response to Comment 49

Please see the responses to Comment 1 and Comment 2 which provide information about the alternatives considered, collaboration with the Webb family, and the need for the project.

Comments

Responses

Source:	E-mail	Name:	Roebuck, Cynthia
Document Number:	Comment 50	City, Zip Code:	81301

From: Cynthia Roebuck [mailto:cr@mydurango.net]
 Sent: Monday, August 27, 2012 6:21 PM
 To: Hunt, Don
 Cc: Shanks, Nancy; Shanks, Nancy
 Subject: Grandview Intersection Durango Colorado

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Cynthia Roebuck
 Zip code: 81301

Response to Comment 50

Please see the responses to Comment 1 and Comment 2 which provide information about the alternatives considered, collaboration with the Webb family, and the need for the project.

Comments

Responses

Source:	E-mail	Name:	Rubin, Kelly
Document Number:	Comment 51	City, Zip Code:	81301

Response to Comment 51

Please see the responses to Comment 1 and Comment 2 which provide information about the alternatives considered, collaboration with the Webb family, and the need for the project.

1 of 2

To Whom it may concern:

I once again feel the need to weigh in on the issue of CDOT continuing to pursue the extravagantly designed interchange at Grandview. It is an absurd plan that wastes tax payer money and valuable land resources. The reasons given for its “need” do not stand up to close examination. It should be stopped. I strongly urge CDOT and state legislators to make the right choice, the sane choice, the safe choice, the best choice – and allow engineers and the Webb family to collaboratively create a design that is money wise and respectful of private land and driver safety. In summary:

I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible. We can do better.

We do not want, or need this current design proposal. It is ridiculous and disregards both dollars and sense in Southwest Colorado. However, the interchange needs to be completed. Lets do it. Take realistic factors of safety, driver numbers, speed, and cost into consideration. Do not sell out to pressures of “building for the future” when the solution seems to be nonsensical.

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the
(continued on next page)

Comments

Responses

Source:	E-mail	Name:	Rubin, Kelly
Document Number:	Comment 51	City, Zip Code:	81301

2 of 2

cont'd

Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: Kelly Rubin

Zip code: 81301

Comments

Responses

Source:	E-mail	Name:	Rynott, Tim and Charlotte
Document Number:	Comment 52	City, Zip Code:	Durango, CO 81301

Response to Comment 52

From: Charlotte Rynott [mailto:rycott8165@msn.com]
 Sent: Friday, August 24, 2012 4:20 PM
 To: Shanks, Nancy
 Cc: Stephanie.gibson@fhwa.dot.gov; Hunt, Don
 Subject: Webb Ranch and Hwy 550 project on Farmington Hill,
 Durango Colorado

Please, please ,please listen to those of us who live here and know what we are talking about. The Webb Ranch should remain intact and be slated as a full fledged historic site not to be disturbed by the unnecessary growth or improvement suggested in the past.

All can be corrected now before it is too late.
 Be still and listen to us who live and drive here.
 We know what we are talking about.

Do not make this mistake, we beg you.

Tim and Charlotte Rynott
 107 Kenosha Court
 Durango, CO 81301

The Webb Ranch is eligible for inclusion on the National Register of Historic Places. It has been carefully considered during the reevaluation of the 2006 US 160 EIS process. This reevaluation took place between 2009 and 2012. All requirements of the National Historic Preservation Act and Section 4(f) of the U.S. DOT Act of 1966 have been met as they relate to the historic Webb Ranch.

Please also see the responses to Comment 1 and Comment 2 which describe the recent collaborative effort undertaken that included the Webb family.

Comments

Responses

Source:	E-mail	Name:	Sappington, Ellen
Document Number:	Comment 53	City, Zip Code:	Not provided

From: Ellen [mailto:esappington@gmail.com]
 Sent: Saturday, August 25, 2012 10:56 AM
 To: Gibson, Stephanie (FHWA)
 To: Shanks, Nancy
 To: Hunt, Don
 Subject: Re: The bridge to nowhere and private property

Hi Stephanie and others involved,

I am just a regular citizen and have nothing to gain by sending this email, other than helping a family continue to own and care for what BELONGS TO THEM – NOT THE GOVERNMENT. I think America has HAD ENOUGH of the government trying to “own all” and “be all”. Bottom line, the Webb family owns the land, it’s historic and filled with artifacts; and, the Webb family cares for their land responsibly. It does NOT belong to the state or to the government. Stay out of their business. If the “state” had wanted to buy it when it was for sale, the “state” should have done so. Today, it’s simply NOT for sale. Leave them alone. As a poor alternative, the family has offered “reasonable” solutions to the government proposed “takeover”. How about go that route if you can’t stay out of other people’s business and properties? Just a thought.

Written by someone who cares about freedoms and freedoms of ownership.

Ellen Sappington

Response to Comment 53

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides important protections and assistance for people who own land and property that may need to be acquired for a transportation project. It was enacted by Congress to ensure that people whose real property is acquired will be treated fairly and equitably.

The planning and NEPA process that was conducted recognized the historic nature of the Webb Ranch and the other ranches on the Florida Mesa. All requirements of the National Historic Preservation Act and Section 4(f) of the U.S. DOT Act of 1966 have been followed to respect the historic nature of the area.

Please see the response to Comment 1 about alternative routes that have been submitted by others.

Comments

Responses

Source:	E-mail	Name:	Schneider, Kurt W and Carol J Martin
Document Number:	Comment 54	City, Zip Code:	81303

Response to Comment 54

Please see the response to Comment 2 which describes the need for the US 550 South Connection to US 160 project.

1 of 3

From: kscm [mailto:kscm@frontier.net]
 Sent: Monday, August 27, 2012 6:15 PM
 To: Shanks, Nancy
 Cc: Hunt, Don; Stephanie.gibson@fhwa.dot.gov
 Subject: Proposed 550 realignment Durango/Farmington Hill

Greetings,

We wish to make a comment regarding the proposed realignment of Hwy 550 as it concerns what is known as Farmington Hill. My wife is a fourth generation Colorado native and I have lived in Colorado for over 32 years, and 26 of those years have been at our residence which uses Farmington Hill daily. It is our opinion that the previous actions taken, and the course of action contemplated by CDOT, has been reckless, wasteful, and arrogantly pursued.

We attended one of the very early meetings CDOT held at Escalante Middle School, which supposedly was to hear public comments on the proposed changes thru Grandview and Farmington Hill. The event included a panel of experts, numerous artistic renderings and opinions of what needed to be done. And we recall that someone from CDOT mentioned at that time that one of the top priorities was to keep traffic moving 50 mph (or more) thru Grandview and off the mesa into Durango. This was the rationale given which resulted in the current boondoggle of the non-used highway overpasses, and ill-conceived right-of way disputes that now plague CDOT in their attempts to somehow justify the millions of dollars already poured into this area. *(continued on next page)*

Comments

Responses

Source:	E-mail	Name:	Schneider, Kurt W and Martin, Carol J
Document Number:	Comment 54	City, Zip Code:	81303

Response to Comment 54 (cont'd)

2 of 3

cont'd

At that meeting, comments were made by a number of attendees as to why traffic could not be slowed down and existing lanes expanded not unlike Hwy 160 west of town? Why wasn't it viable to widen Farmington Hill in its current location and remove the soil hillside, and also lessen the grade? The answer given, as we recall, was not based upon anything other than a hodge-podge way of saying it would not be as efficient. But what was not answered was; Is it really worth all that it will cost, and all that will be lost to our rural community? We think it will not.

We have traveled Farmington Hill, in all seasons, by bike and by car, year-in and year-out, and frankly, other than about a half-hour in the morning (7:30am - 8:00 am) during the school year, the traffic in this area moves just fine. Granted, some accidents have occurred on the hill due to weather, but the number is very small. And the projections that CDOT has used for population increases raises serious concerns about their assumptions, especially considering the economic reality of the past 4 years.

But the most important reason for the rejection of all of CDOT's routes (and for the viable realignment proposed by the Webb family) is to preserve the rural landscape and feel of this area of southwest Colorado, and reject the attempts of CDOT to turn our area into something akin to eastern slope highways. It is not necessary and certainly cannot be justified on a financial scale. We are including the comments below, made by others, that we wholly support. We ask that CDOT go back to the Webb family and seriously engage in the proposal for using the existing roadway, and to find a way to minimize the destruction of the ranch and residential land on the mesa, and avoid the extravagant building of a new highway.
(continued on next page)

Chapter 1.0 of the 2012 SFEIS provides information about the traffic volumes projected for 2035. Because of projected development in the area, a widened highway and improved interchange is needed. Information about the types of accidents that currently occur on the Farmington Hill approach is contained in Section 1.6.2.1 of the 2012 SFEIS. Ninety-one percent of the crashes on the US 550 descent to the intersection are related to the steep winding roadway, icing conditions and roadway obstructions that contribute to drivers losing control of their vehicles.

Information about the methodology used to project future traffic is contained in Appendix A of the 2012 SFEIS as the response to Common Comment 1 and in the 2015 IAA. Two separate methodologies were used to forecast future traffic growth and both came up with similar results. As you noted, the recent downturn in the economy has affected traffic, but not to the extent that traffic volumes have ceased to grow. The 20 year growth projections have been lowered to account for this recent economic downturn.

Comments

Responses

Source:	E-mail	Name:	Schneider, Kurt W and Martin, Carol J
Document Number:	Comment 54	City, Zip Code:	81303

Response to Comment 54 (cont'd)

3 of 3

cont'd

We support the following statement;

"We feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. We encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .

We want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch."

From Kurt W. Schneider and Carol J. Martin,
 Zip Code 81303

CDOT and FHWA have carefully considered the alternative routes that have been submitted by others. Please see the response to Comment 1 for more information about analysis done by CDOT of the various alternatives, including those developed by the Webb Ranch family.

Comments

Responses

Source:	E-mail	Name:	Schulz, R. Gail and Marlo W.
Document Number:	Comment 55	City, Zip Code:	Hesperus, CO 81326-9581

Response to Comment 55

From: Marlo & Gail schulz [mailto:mschulz@frontier.net]
 Sent: Friday, August 24, 2012 9:51 PM
 To: Shanks, Nancy
 Cc: //www.colorado.gov/governor@brainstorminternet.net;
 stephanie.gibson@fhwa.dot.gov; Hunt, Don
 Subject: Comments on Routing Highway Across Webb Ranch

We wish to express our complete disagreement with any plan which routes the highway across the historic Webb Ranch. We believe the current highway alignment up Farmington Hill should be maintained and improved. We cannot afford to let this scenic property be destroyed. This will lead to development in this corridor and the degradation of views and quality of life for our county. We also oppose the destruction of the archaeological sites on this property.

R. Gail and Marlo W. Schulz
 114 Schulz Rd
 Hesperus CO 81326-9581
 mschulz@frontier.net
 970-259-3249

Please see the response to Comment 1 about the different alternatives developed by CDOT, including Alternative R5, which improves the current highway alignment up Farmington Hill.

CDOT works closely with representatives of the City of Durango and La Plata County to make sure transportation improvements are consistent with their future development plans. The comprehensive planning process conducted by these agencies considers quality of life goals for residents and business owners.

The Selected Alternative affects five archaeological sites, which is fewer than the other reasonable alternatives. All requirements of the National Historic Preservation Act have been followed to respect archaeological sites and historic properties.

Comments

Responses

Source:	E-mail	Name:	Singer, Roger
Document Number:	Comment 56	City, Zip Code:	Durango, CO 81301

1 of 2

From: Roger Singer [mailto:r.singer@bresnan.net]
 Sent: Sunday, August 26, 2012 2:02 PM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Durango 550/160 Connection

Dear Highway Planning Administrators:

I feel that the construction of the Grandview Intersection and especially the Bridge to Nowhere was an extravagant and not well planned use of public funds. It is out of scale and unnecessary in our rural setting. More importantly, it connects roads which, given the topography and existing uses, will never support 60 to 70 mile per hour speeds. It would be appropriate connecting high speed highways near a large city like Denver but makes no sense here. Do not compound the mistake by extending its scale directly through the Webb ranch.

I understand that the Webb family, understandably anxious to preserve their beautiful world class setting, has spend a lot of time and money with engineers and highway experts to design a safe and viable connection between 550 and 160 that would use the current alignment. They are motivated to save a beautiful setting from unnecessary highway development. I think that is a good thing as the beautiful setting of the ranch cannot be replaced. Destroying it so that traffic can travel more quickly for a few hundred yards before it has to slow down again makes no sense. I would urge you to work with the Webbs and their plan.
(continued on next page)

Response to Comment 56

Please see the response to Comment 2 about the need for a south connection of US 550 at US 160 and about alternatives developed by the Webbs.

Please see the response to Comment 1 about alternatives developed by engineers hired by the Webb family and about the recent collaborative effort to work closely with representatives of the Webb family to develop a plan they support.

Comments

Responses

Source:	E-mail	Name:	Singer, Roger
Document Number:	Comment 56	City, Zip Code:	Durango, CO 81301

Response to Comment 56 (cont'd)

2 of 2

cont'd

I keep reading about and experiencing roads and bridges in disrepair in Colorado. It would be a better use of our limited highway funds to address those issues rather than extending the scale of the Bridge to Nowhere across the Webb ranch.

Thank you for your consideration,

Roger Singer
Durango, CO 81301

Please see the response to Comment 14 about spending CDOT funds to repair highways.

Comments

Responses

Source:	E-mail	Name:	Stahl, Steve
Document Number:	Comment 57	City, Zip Code:	Not provided

From: Steve Stahl [mailto:peanutranch@gmail.com]
Sent: Monday, August 06, 2012 12:23 AM
To: Shanks, Nancy
Subject: Webb Ranch

Please give it a rest. We do not want more bridges. CDOT has already shown how foolish they can be. Leave the Webb Ranch alone. Quit spending my tax dollars in such an idiotic manner.

--
Steve Stahl, Durango
(970) 946-6886
peanutranch@gmail.com

Response to Comment 57

Please see the response to Comment 2 about the need for the project.

The Revised G Modified Alternative was the Preferred Alternative in the 2012 SFEIS. It has been refined and is now called RGM6 (the Selected Alternative) for the reasons noted in Section 2.3 of this ROD.

Comments

Responses

Source:	E-mail	Name:	Stutzman, Gay
Document Number:	Comment 58	City, Zip Code:	Not provided

Response to Comment 58

From: gay stutzman [mailto:dreamingazmama@yahoo.com]
 Sent: Tuesday, August 07, 2012 2:19 PM
 To: Shanks, Nancy
 Cc: Stephanie.gibson@fhwa.dot.gov
 Subject: Webb Ranch and 550 Plea

Nancy and Stephanie,

I'm writing to both of you to state my plea to CDOT not to build the 550 across the Webb Ranch.

My family and I have been coming to Durango for over 30 years now from Arizona. We have taken the 550 across the Florida Mesa most of the time, just for the fact of how beautiful it is and definitely makes a grand entrance into Durango. I feel if this road was constructed across the Webb Ranch it will definitely take away from the beauty that we and many other people have enjoyed over the years coming into Durango.

Thanks for your consideration
 Gay Stutzman

Please see the response to Comment 2 about the need for the project.

The Revised G Modified Alternative was the Preferred Alternative in the 2012 SFEIS. It has been refined and is now called RGM6 (the Selected Alternative) for the reasons noted in Section 2.3 of this ROD.

Comments

Responses

Source:	E-mail	Name:	Thomson, Mac
Document Number:	Comment 59	City, Zip Code:	81122

Response to Comment 59

Please see the response to Comment 2 about the need for this connection and about plans submitted by the Webb family.

Please also see the response to Comment 1 about alternatives submitted by the Webb family and the recent collaborative effort with representatives of the Webb Ranch.

From: Mac Thomson [mailto:macthesaltydog@gmail.com] On Behalf Of Mac Thomson
 Sent: Saturday, August 25, 2012 8:32 AM
 To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: Stop Grandview Intersection Connection across Webb Ranch

To Whom it may concern:

I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and is making every effort to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection.

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: Mac Thomson

Zip code: 81122

Comments

Responses

Source:	E-mail	Name:	Turner, Kathy
Document Number:	Comment 60	City, Zip Code:	Not provided

Response to Comment 60

Please see the response to Comment 1 about alternatives submitted by the Webb family and the recent collaborative effort with representatives of the Webb Ranch.

From: Kathy Turner [mailto:kjturner@frontier.net]
Sent: Monday, August 27, 2012 11:22 PM
To: Shanks, Nancy
Cc: stephanie.gibson@fhwa.dot.gov
Subject: Hwy 550 project in SW Colorado

I am opposed to the CDOT plan to resolve the Farmington Hill/Hwy 550 connection and urge you to consider more efficient plans being promoted by the Webb family.

Thank you.

Kathy Turner
Durango, CO

Comments

Responses

Source:	E-mail	Name:	Wales, Charles
Document Number:	Comment 61	City, Zip Code:	Durango CO 81303

From: Chuck Wales [mailto:chuckwales1@gmail.com]
Sent: Sunday, August 26, 2012 8:16 PM
To: Hunt, Don; Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
Subject: Future intersection of Hwys 550 & 160

The SEIS that recommends tying the future northbound section of Hwy 550 into the 'Bridge to Nowhere' near Durango, CO should be reconsidered. The infamous bridge is 2 lanes and not designed for the over 'optimistic' traffic growth projections, for one thing, and for a more important reason, condemns an intact historic ranch into a dissected [sic] scenic byway.

Utilizing the existing easement through the 'Farmington Hill' road, and expanding it - as explained by engineers hired by the Webb family - is a more cost effective and lesser rural impact of Southwestern Colorado.

Please seriously consider the alternatives that will have the lesser impacts on this special part of the world, especially the use of the existing 'Farmington Hill'. Planning for the future has a lot more factors than just efficiency.

Thank you!

Charles Wales
484 CR 220
Durango CO 81303

Response to Comment 61

Please see the response to Comment 1 about alternatives submitted by the Webb family and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Wales, Chuck (Charles)
Document Number:	Comment 62	City, Zip Code:	Durango CO 81303

From: chuck wales [mailto:chuckwales1@gmail.com]
 Sent: Tuesday, July 24, 2012 2:26 PM
 To: Shanks, Nancy
 Subject: Bridge to Nowhere

- A. Is it true that the 'new' highway will be 4 lanes to connect with the 2 lane 'Bridge to Nowhere'?
- B. Are the costs quoted including the new bridges that will have to be built because the existing ones were obsolete before they were ever used?
- C. If future growth and congestion and safety are the issues, this doesn't jibe.
- D. When the CDOT sent their newsletter stating that only 83 people commented on the document, where did that number come from? Either comments were not received or read, or this number was off by a decimal point or two. 83? With over 100 in attendance at the meeting on Oct 14th? What happened to the comments?
- E. I live on CR 220 and experience Farmington Hill on a daily basis. Something is not right with this SDEIS.

Charles Wales
 484 CR 220
 970-739-0550

Response to Comment 62

- A. The newly relocated US 550 is planned to be two lanes initially and in the future could be widened to four lanes to be consistent with other segments of US 550 farther south.
- B. Construction costs included in the 2012 SFEIS include all costs to construct the South Connection from US 550 to US 160. The existing bridges that make up the Grandview Interchange are not obsolete and will be used by the Selected Alternative.
- C. Information relevant to project purpose and need includes existing and future traffic, congestion and safety. This is included in Chapter 1.0 of the 2012 SFEIS and is repeated in the response to Comment 2.
- D. CDOT sent a newsletter after the November 2011 public hearing indicating that 83 individuals provided comments on the 2011 SDEIS. Not all 100 people in attendance at the November 2011 public hearing provided comments.
- E. Please see the response to Comment 2 about the need for the US 550 South Connection to US 160 project.

Comments

Responses

Source:	E-mail	Name:	Walthall, Wayne
Document Number:	Comment 63	City, Zip Code:	Not provided

Response to Comment 63

1 of 2

From: wayne walthall [mailto:walthall@frontier.net]
 Sent: Sunday, August 26, 2012 1:09 PM
 To: ;
 Subject: Fw: CDOT. one last email.
 Don Hunt , Executive Director of CDOT don.hunt@dot.state.co.us
 Local CDOT office: nancy.shanks@dot.state.co.us
 Federal Highways Commission Stephanie.gibson@fhwa.dot.gov

Thanks everyone! If we win this battle we will be glad we did.
 Antonia

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .
(continued on next page)

Please see the response to Comment 2 about the need for the project.
 Please see the response to Comment 1 about alternatives submitted by the Webb family and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Walthall, Wayne
Document Number:	Comment 63	City, Zip Code:	Not provided

2 of 2

Cont'd

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed:

Zip code:

Comments

Responses

Source:	E-mail	Name:	Wanner, Margaret
Document Number:	Comment 64	City, Zip Code:	81303

From: Chuck Wanner [mailto:cwanner@frontier.net]
 Sent: Sunday, August 26, 2012 4:43 PM
 To: Hunt, Don
 Cc: Shanks, Nancy; Stephanie.gibson@fhwa.dot.gov
 Subject: CDOT US 550 at US 160 public review

To Whom it may concern:

The construction of the Grandview Intersection and especially the Bridge to No Where was poorly planned and much too expensive. Going forward with a huge project like this, without having acquired all the land needed up front to widen the road, was just plain irresponsible. And, as a result, it has gotten even more expensive.

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs and impacted neighborhoods to create a highway design in the current alignment and, in doing so, save as much of our important open space as possible.

We need to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant and unnecessary HWY 550 across the Webb Ranch.

Signed: Margaret Wanner

Zip code: 81303

Response to Comment 64

Please see the response to Comment 2.

Please also see the response to Comment 1 about alternatives submitted by the Webb family and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65	City, Zip Code:	



510 WOODWARD AVENUE, SUITE 2000
 BRIDGEVILLE, PA 15005-3423
 TELEPHONE: (313) 223-3500
 FACSIMILE: (313) 223-3558
 http://www.dickinsonwright.com

THOMAS G. MCNEILL
 TMcNeill@dickinsonwright.com
 (313) 223-3637

Transmitted by hand delivery to Ms. Neet,
 and to both recipients via email with
 professional courtesy bound hard copies
 sent via Federal Express

August 27, 2012

Kerrie Neet
 Director, Region 5
 Colorado Department of Transportation
 3803 North Main St., Ste. 306
 Durango, CO 81301

John M. Carter
 Division Administrator
 Colorado Division - FHWA
 12500 West Dakota Avenue, Ste. 180
 Lakewood, CO 80228

Re: Webb Comments Submitted with Respect to Supplemental Final
 Environmental Impact Statement/Section 4(f) Evaluation (as Revised,
 Restated and Reissued).

Dear Ms. Neet and Mr. Carter:

Before us is the last administrative opportunity for FHWA and CDOT to comply with
 their legal responsibilities under the law. This submission calls for an immediate and
 independent intervention prior to the closing of the administrative record to redress a continuing
 wrong that has wasted millions of taxpayer dollars and violated the public trust.

In the Supplemental Final EIS ("SFEIS"), CDOT ruled out the R Alternatives ("R") we
 submitted on November 28, 2011, without advancement for further study. As discussed below,
 it is evident that CDOT embraced a rigid fault finding approach with manifest, but ultimately
 unsuccessful, effort to "poke holes" in the design efficacy of R. CDOT has conceded that R
 passes each and every "level one screening" test for advancement for further study and
 development; except CDOT talismanically invokes the "safety" bogaboo.

For that, CDOT relies solely upon a letter from its in-house engineer, Ed Archuleta, to
 Stephanie Gibson (FHWA), dated May 21, 2012. See, Exhibit 1. As to the safety of R, the text
 of the SFEIS and the Comments in Appendix A (pp. 2-18 and 171-192) cite only to information

D I K I N S O N W R I G H T P L L C W A S H I N G T O N , D . C . T O K O N O P U G E N I S L A S V E G A S
 T R O Y A R K A R I Z O N A I A N S L E U G R A N D R A P I D S

**NOTE: See Attachment 2 of this appendix for a full copy of
 this letter.**

Response to Comment 65

A. As discussed in the response to Comment 1, an independent engineering team was
 hired to conduct a review of the presented "R" alternatives. While they specifically
 studied Alternative R5 rather than Alternatives R1-R4, all of the R alternatives are
 similar enough to determine the impacts of addressing each of the safety concerns.
 Below is a brief summary of how the safety issues were addressed during the
 design of Alternative R5. For additional details, please see the "US 550 South
 Connection to US 160: Independent Alternatives Analysis" report in Appendix F
 (AMEC, 2015). (This report is referred to hereafter as the 2015 IAA.)

Stopping sight distance was analyzed during the design process of Alternative R5
 taking into account both the horizontal and vertical alignment, as well as the center
 median barrier. The design presented in the 2015 IAA meets a 55 mph design
 speed (AMEC, 2015). This is because Alternative R5 has a much larger radius
 curve than R1-R4 in order to meet a 55 mph horizontal design speed. This larger
 curve requires full acquisition of the Hillmeyer and Piccoli properties (including three
 residences and one business), as well as the need to construct large retaining walls.

Of primary concern to CDOT are the safety issues associated with design speed.
 The independent team was tasked to determine appropriate design speeds for the
 US 550 Connection to US 160 Alternative. They determined that stepping down
 from 70 mph to 55 mph is the maximum difference in design speeds that should be
 considered near the CR 220 intersection (see Appendix K, Design Speed
 Memorandum, in the 2015 IAA.). Any differential greater than this (such as those
 proposed in Alternatives R1-R4) was deemed unsafe and would therefore not meet
 the safety component of purpose and need for the project. Alternative R5, as
 presented in the 2015 IAA, has been designed with horizontal and vertical curvature
 that conforms to this approach of stepping down speeds in safe increments with the
 exception of the northernmost curve approaching the interchange. This horizontal
 curve only meets a 35 mph design speed. But because this curve is approaching a
 stop condition at the interchange, this was deemed to be an undesirable but
 acceptable condition from a horizontal geometry standpoint.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)	Response to Comment 65 (cont'd)
Document Number:	Comment 65	City, Zip Code:		A (cont'd)
<p style="text-align: right;">DICKINSON WRIGHT PLLC</p> <p>Kerrie Neet John M. Cater August 27, 2012 Page 2</p>				
<p>in the Archuleta letter. <i>In point of fact, the Archuleta Letter contains roughly one page of text concerning four safety topics. See, Exhibit 1, pp. 3-4.</i></p> <p>Each of Mr. Archuleta's four safety objections are minor technical design issues that can be eliminated with relative ease -- so much so that these details, and others like them, normally are addressed during the construction plan development phase. <i>Except here, CDOT artificially, and falsely, inflated the importance of those issues to prevent the advancement of R to the construction design development phase.</i></p> <p>In response, we have submitted the reports and opinions of six independent engineering firms that conclusively establish the safety concerns articulated by Mr. Archuleta are entirely without merit as a basis for "screening out" an alternative. We have submitted reports from:</p> <p>Transportation, Inc., Carson City, Nevada¹</p> <p>Aldridge Transportation Consultants, LLC, Highlands Ranch, Colorado</p> <p>TIG Transportation Infrastructure Group, Pleasanton, California</p> <p>Dobie Engineering, Inc., Boise, Idaho²</p> <p>Krajer and Associates, Denver, Colorado</p> <p>Russell Engineering and Planning (RPE), Durango, Colorado</p> <p>See, Exhibits 2-7</p> <p>The eight professional engineers from these six firms combine for more than 200 years of experience in highway design and safety and their supporting technical analysis, evaluation and opinions span more than 70 pages. These six reports constitute an irrefutable testament to the safety of the R Alternatives.³</p> <p>...</p> <p>¹ The TIG report is authored by Garth Dull, P.E., a former Director, Deputy Director and design engineer for the Nevada Department of Transportation.</p> <p>² The Dobie Engineering Report is authored by Patrick Dobie, P.E. (in three states and renewal pending in Colorado), a former County Engineer for Pitkin County, Colorado, and the former manager of the Aspen office of an Engineering News-Record Top 250 engineering and architectural consulting firm.</p> <p>³ In this letter, we summarize the salient opinions, and support, contained in the six expert reports. This letter is not, however, intended as an exhaustive exposition. We note that in SFEIS Appendix A, CDOT proffered annotated comments to our November 28, 2011 letter, but not to the expert reports of Russell Planning and Engineering, Krajer and Associates or Truener Geotech attached to it. As to this letter, we comment to FHWA</p>				
<p style="text-align: center;">DENVER KANSAS CITY WASHINGTON, D.C. CHICAGO PHOENIX LAS VEGAS TROY ANN ARBOR LANSING GRAND RAPIDS</p>				
<p>NOTE: See Attachment 2 of this appendix for a full copy of this letter.</p>				

A
 cont'd

Comments

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65	City, Zip Code:	

Kerrie Neet
 John M. Cater
 August 27, 2012
 Page 3

DICKINSON WRIGHT PLLC

Despite this great weight of evidence validating the R Alternatives, and conclusively refuting the Archuleta objections, we requested RPE to undertake additional planning and development of R -- because CDOT failed in its legal obligation to do so. In one week, RPE produced a preliminary design for another variation, R5, which addresses each of CDOT's safety concerns as to R1-4. See, Exhibit 7 and the associated preliminary conceptual design drawings and support.

The professional engineering reports submitted herewith also have evaluated R5 and unanimously conclude that R5 meets and exceeds CDOT's purpose and need, and that R5 is another prudent and feasible R variation which meets the mandate of Section 4(f) to minimize harm to Section 4(f) protected properties.

Against the tremendous weight of this evidence, and the engineering experience and excellence that supports it, CDOT clings desperately to the reed of the one page of text authored by the in-house engineer who integrally was involved in the design and construction of the \$50 million Grandview Interchange (the Bridge) and the G Alternative for US 550 which is designed to connect to that Bridge.

Just this short summary of what follows begs this question: How could CDOT get it so wrong? Answer: the Bridge. CDOT is absolutely and fully committed to selecting G because it is the only US 550 alternative that connects to the Bridge, which CDOT prematurely, improperly and unlawfully constructed.

Since as early as 1999 (and likely before), CDOT has endorsed and unwaveringly advanced the G Alternative. But in early 2008, when CDOT and FHWA authorized and commenced construction of the Bridge, CDOT became irrevocably committed to G to complete the project -- "the whole scheme of planning and development" for the "Grand Dig" project through Webb Ranch, as an FHWA engineer wrote in a March 14, 2008, Exhibit 8.⁶ This is borne out by the course of events that followed, as preserved in a multitude of CDOT and FHWA email we have secured.

In making this commitment to G, CDOT disregarded and breached its obligation under

and CDOT a full reading of the attached expert reports. In this letter, for example, we do not comment on the expert opinions concerning construction logistics, that CDOT performed accident analysis for G, F and the No Action alternatives but not as to R (which we anticipate will receive a rate equal to or higher than G), the propensity of the G bridges to ice (and CDOT's anticipation of that fact by incorporating new de-icing technology), the likelihood on G of a higher number of accidents involving wildlife and the greater severity of such accidents, and other matters of import.

⁶ Joe Duran prepared and transmitted this email two and a half months after CDOT had determined that Webb Ranch was NRHP-eligible and thus subject to the protections of Section 4(f).

DESIGN | MASSACHUSETTS | WASHINGTON, D.C. | TORONTO | PHOENIX | LAS VEGAS
 TROY | ANN ARBOR | LANSING | GRAND RAPIDS

NOTE: See Attachment 2 of this appendix for a full copy of this letter.

Responses

Response to Comment 65 (cont'd)

- B. The independent utility of the US 550 South Connection to US 160 project from the partially completed Grandview interchange was established by FHWA in October 2008 during the Supplemental EIS process. This independent utility is documented in the response to Common Comment 7, included in the 2012 SFEIS. Two reasonable alternatives (Revised F Modified and Eastern Realignment), which connect to the Three Springs interchange instead of the Grandview interchange, have been fully developed and evaluated.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65	City, Zip Code:	

Response to Comment 65 (cont'd)

C

DICKINSON WRIGHT P.E.C.

Kerrie Neet
 John M. Cater
 August 27, 2012
 Page 4

Section 4(f) to minimize harm to Webb Ranch (and other protected properties), and its duty to engage in all possible planning to ensure the protections afforded under federal law.

In this regard, in his report Garth Dull, the former Director of the Nevada Department of Transportation, has concluded:

From January 4, 2008⁵ to this point, the entire SEIS and Section 4(f) evaluation process has been irrevocably tainted by the complicity of CDOT and FHWA in advancing G to connect to the Bridge; however, No Record of Decision has been issued. It is not too late to correct the violations of law that have occurred.

In my professional opinion, the entire SEIS process should be recommenced. A new independent team from another CDOT Region and another FHWA division should step in and engage in all possible planning to minimize the harm to Webb Ranch and other 4(f) properties in the vicinity.

It is also my opinion that appropriate authorities should investigate what has occurred, to hold fully accountable those who engaged in violations of the law, wrongful conduct, improper expenditures of considerable state and federal money and resources and ultimately a fundamental violation of the public trust.

TTR report, pp. 10-11.

I. APPLICABLE LEGAL STANDARDS

In our November 28, 2011 submission, we outlined, as we have before, the legal framework and applicable standards attendant to Section 4(f) and the regulations promulgated thereunder.

Since then, the U.S. Court of Appeals for the Tenth Circuit has decided *Prairie Band Potawatomi Nation v. FHA*, 212 U.S. App. LEXIS 14901 (10th Cir. July 10, 2012), which provides the framework for Section 4(f) and NEPA cases in the U.S. District Court for the District of Colorado.

We also are aware of the Eleventh Circuit's recent decision in *Citizens for Smart Growth v. Secretary of the DOT*, 669 F.3d 1203, 1216 (11th Cir. 2012), in which the Court held that compliance with the mandate of Section 4(f)(2) to minimize harm requires "a simple balancing process which totals the harm caused by each alternate route to section 4(f) areas and selects the option which does the least harm."

⁵ This is the date that DOT determined that Webb Ranch is NRHP eligible.

BUCKLE UP! NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
 IROY ANN ARBOR LANSING CHANG RAPIDS

NOTE: See Attachment 2 of this appendix for a full copy of this letter.

C. In response to some of the comments made during the SFEIS public comment period, CDOT and FHWA made a decision in 2013 to hire an independent engineering team to review the alternatives and to update environmental information. This team conducted its work with very little oversight from CDOT, so its findings are independent. The independent review was completed in 2015 and is documented in the 2015 IAA. The 2015 IAA is contained in Appendix F of this ROD. The 2015 IAA process included the development and evaluation of seven alignment variations. The process also included nine meetings with six stakeholder groups. Summaries of these meetings are contained in the 2015 IAA. Meeting minutes for the December 1, 2014, open house are contained in Appendix E of this ROD.

Based on information in the 2015 IAA, CDOT and FHWA refined the Preferred Alternative that was described in the SFEIS, supplemented the documentation of alternatives considered, and refined and updated environmental and traffic information. This new information is documented in the Revised Section 4(f) Evaluation for the US 550 South Connection to US 160 (CDOT, 2015) and in a reevaluation prepared in 2015 pursuant to 23 CFR 771.139.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65	City, Zip Code:	

Response to Comment 65 (cont'd)

Kerrie Neet
 John M. Caer
 August 27, 2012
 Page 5

DICKINSON WRIGHT PLLC

We also are aware of the recent decision in *Coalition v. Mendez*, 2012 U.S. Dist. LEXIS 73514 (W.D. Va. May 12, 2012), which likewise is instructive.

Finally, we are aware that the FHWA recently issued the attached Section 4(f) Policy Paper (July 12, 2012) (Exhibit 9), which replaces the 2005 edition.

II. PROCEDURAL HISTORY

We have appended as Exhibit 10 a detailed timeline of material events from 1999 to present, which is supported by documents which we have submitted for entry into the administrative record. This timeline: (1) is critical to understanding CDOT's motivation and efforts to oppose any US 550 alternative that does not connect to the \$50 million Grandview Interchange which it already has constructed; (2) is material to the opinions set forth in the attached reports of six independent professional engineering firms; and (3) provides relevant context for the reader not steeped in the history of this dispute.

III. CDOT HAS ACKNOWLEDGED THAT R MEETS EACH AND EVERY SCREENING CRITERION, FACTOR OR ELEMENT -- EXCEPT "SAFETY" (AND AS TO THAT FACTOR CDOT'S ASSERTIONS ARE CLEARLY ERRONEOUS).

CDOT acknowledges that R 1-4 meet the following criteria:

Access Control. CDOT acknowledges that the R Alternatives ("R") meet purpose and need as to Access Control. SFEIS, p. 2-33, Table 2-3, Appx. A, p. 8, Common Response 5, p. 192, Comment OO;

Capacity. CDOT acknowledges that R "meets the capacity requirements for the project purpose and need." SFEIS, p. 2-27, Appx. A, p. 188, Comment HH; Archuleta, p.3

Cost. CDOT acknowledges R meets the first screening level for costs; and that costs are not a factor in determining whether R is reasonable. After reviewing cost estimates for G, F and R, CDOT states "[t]he closeness of these estimates is not a deciding factor among alternatives" SFEIS, pp. 2-28, 2-33, Table 2-3, Appx. A., p. 9, Common Response 5, p. 188, Comment HH; Archuleta, p. 6.

⁵ CDOT raised concerns about access for the LaPlata County gravel pit to the north of the R interchange with US 160. *Id.* and Appx. A, p. 7, Common Response 5. These concerns are easily addressed and CDOT's failure to do so is evidence of its failure to engage in the required "all possible planning." *See, infra*, pp. 8-9.

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D. Section 2.5.3.5 of the 2012 SFEIS documents the responsiveness of Alternatives R1, R2, R3, and R4 to access control, capacity, cost, and construction logistics. All R alternatives are responsive to the access control and capacity parts of the purpose and need. Alternatives R1, R2, R3 and R4 do not meet the safety aspect of purpose and need as described in the response to Comment 65.A. The R variations have the same geotechnical problems and constructability challenges as described in the 2012 SFEIS for the US 160 At-Grade Intersection Alternative. The difficulties of attempting to construct a grade-separated roadway with elevation differences of up to 25 feet, while keeping traffic on the existing alignment, are logistical challenges. Cost is not a relevant factor in screening Alternatives R1, R2, R3 and R4, since the construction cost estimates for the four variations are so similar to the reasonable alternatives. Alternative R5, however, is projected to cost approximately twice as much as Alternative RGM6. Because of the significant cost difference, cost can be used as one screening factor in this instance, but it is not the determining factor.

Environmental impacts and property impacts were not calculated for Alternatives R1, R2, R3, and R4, because that analysis is performed only for alternatives that meet purpose and need. However, these impacts were calculated for Alternative R5 as developed in the 2015 IAA, and for most resources (including residential and business property relocations, wetlands and other waters of the US, wildlife and fisheries, threatened and endangered species habitat, visual resources) impacts are greater with Alternative R5 than with Alternative RGM6, the Selected Alternative. Impacts of Alternative R5 are less than Alternative RGM6 for agricultural lands and historic properties.

FHWA reviewed the results of the 2015 IAA and concluded that Alternative R5 is not a reasonable alternative under NEPA requiring further advancement and evaluation pursuant to 23 CFR 771.123(c). This decision was based on its multiple safety, maintenance, operational, cost, environmental, and community impact factors, in addition to the unique risks associated with building the new alignment while maintaining traffic on US 550 in this extremely challenging topographic environment. In addition, Alternative R5 is not a prudent alternative under Section 4(f) using the totality of factors provided in 23 CFR 774.17 (feasible and prudent avoidance alternatives [3][iv]).

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D cont'd	<p> Construction Logistics. CDOT acknowledges that R meets the first screening level for construction logistics. CDOT further states that “[a]voiding excavating material was not one of the controlling criteria.” CDOT does not screen out R due to geotechnical or constructability challenges. SFEIS, p. 2-27, p. 2-33. Table 2-3, Appx. A, pp. 8, 11. Common Response 5, p. 185. Comment ID: Archuleta, p. 5. </p>		
	<p> Environmental. CDOT does not screen out R on this factor. CDOT did not advance R for further study and therefore concluded: “Currently, it is unknown whether Alternative R design variations would present fewer impacts to the natural environment.” SFEIS Appx. A., p. 11. Common Response 5. </p>		
E	<p> Property Impacts. Simply put: “Alternative R has fewer impacts on the Webb Ranch than Revised G Modified.” SFEIS Appx. A, p. 10. Common Response 5.⁷ See <i>infra</i>, pp. 15-16. </p>		
	<p> IV. THE R INTERCHANGE MEETS CDOT’S PURPOSE AND NEED AS TO CAPACITY, NOTWITHSTANDING CDOT’S GROSSLY INFLATED TRAFFIC PROJECTIONS. </p> <p> As indicated above, based upon its own traffic analysis, CDOT acknowledges that the proposed R interchange with US 160 meets capacity requirements for purpose and need. </p> <p> CDOT, however, interjects a caveat: that the R Interchange would operate at LOS E under one hypothetical scenario. CDOT asserts that the R Interchange would impact access for the LaPlata County Gravel Pit and that CDOT “likely would have to consolidate access” by bringing a fourth leg into the interchange. Under this scenario, according to CDOT, the R Interchange would operate at LOS E, or less than capacity requirements. CDOT raises this issue in a single paragraph. Archuleta 2. </p> <p> The grounds upon which this is manifest error are legion. </p> <p> A. CDOT’s Traffic Projections </p> <p> First, as a threshold issue, CDOT’s traffic projections are grossly inflated. We made and supported this point in our November 2011 submission (Exhibit 2 thereto, First Krager Report). Krager opined that CDOT’s projection is <u>more than double</u> the growth projections for LaPlata </p> <p> <small> ⁷ CDOT adds that R “has more impacts to other property owners,” which is a reference to the Hillmeyer and Eagle Block/Piccoli properties. <i>Id.</i>, Archuleta 6. Here, CDOT fails to acknowledge that these properties are not NRHP eligible and do not contain other protected cultural resources. CDOT ignores that FHWA may approve “only the alternative that causes the least harm <i>in light of the statute’s 1401 preservation purpose.</i>” FHWA Section 4(f) Policy Paper at p. 5, Section 3.3.3.2 (emphasis added). The Hillmeyer and Piccoli properties do not fall within Section 4(f)’s preservation purpose. </small> </p> <p> <small> DENVER NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS LEOV ANS ARKOP LANSING GRAND RAPIDS </small> </p>		
<p> NOTE: See Attachment 2 of this appendix for a full copy of this letter. </p>			

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<p>E. CDOT commissioned an independent review of the travel demand forecasts, including the methodology used. This independent review is documented in the US 160 at US 550 Traffic Reports Technical Review (Fehr & Peers, April 2014; see Attachment 1 of this appendix). Fehr & Peers updated forecasted volumes to 2035 using two different methods. The findings of this independent review are:</p> <p>West of US 160/US 550, the Fehr & Peers independent method forecasted 2035 volumes slightly more (deviation of 1 percent) than the 2030 volumes from the SEIS.</p> <p>Between Grandview and Three Springs Interchanges on US 160 and south of US 550/US 160 on US 550, the Fehr & Peers independent method forecasted volumes less (deviation of 3 percent to 25 percent) than the 2030 volumes from the SEIS.</p> <p>The volumes produced by the independent method have been used in the 2015 IAA because its assumptions are easier to verify. This method takes into account the lack of traffic growth between 2001 and 2013, and is consistent with the lag in development caused by the recession starting in 2007.</p> <p>Additional information about this independent review of the travel demand forecasts can be found in the June 11, 2014, memorandum from Lynn Jacobs and Kyle Cook, Fehr & Peers, in Appendix C this ROD.</p>

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County as calculated by the State Demographer and I.S.A, which was retained for that purpose by Durango and the County. See, First Krager Report, 2-3. CDOT thus projects a LaPlata County population of 93,000 and a traffic volume that would require a population of 230,000. *Id.* Accordingly, CDOT projects that in 2030 traffic volumes will meet or exceed those presently experienced in Colorado Springs. These points underscore the absurdity of CDOT's traffic projections.

In its response in the SFEIS, CDOT attempted to justify its use of a "more adaptive growth model" to support an annual growth factor of 4.1% -- where independent professionals, without CDOT's "hidden" agenda" (per TIG), utilized growth factors of 1.57% and 1.96%. SFEIS, Appx. A, pp. 2-3. Common Comment 1.

Krager categorically rejects CDOT's explanation. After detailing CDOT's misuse of Three Springs traffic data, Krager concludes: "In my professional opinion, CDOT's clearly erroneous traffic projections cannot be utilized in performing capacity analysis and 2030 projections for the R Alternatives and its proposed intersection with US 160 or the G." Second Krager Report, 1-2.

Aldridge provides a more pointed and lengthy rejection of CDOT's methodology as violative of industry standards:

The methodology used to develop the 2030 traffic projections for the project is inferior and unacceptable by industry standards for transportation planning and traffic engineering. The method derived the forecast volumes by a simplistic dumping of the sub-area's trip generation on top of background traffic already increased by a 20-year traffic growth factor. The methodology is inconsistent with procedures developed over four decades and endorsed by the American Planning Association (APA), FHWA, Urban Land Institute, Transportation Research Board (TRB) and the Institute of Transportation Engineers (ITE).

After explaining the details of what CDOT should have done in compliance with industry standards and best practices, Aldridge concludes:

The growth factor of 4.10 is so implausible that it could not be a product of agency expertise. Moreover, the fact that an industry standard urban travel model and procedures were not used to develop the forecasts is a not only a failure to consider important aspects of the problem but one that also failed to engage all possible planning tools.

Aldridge 14, ¶ 50.

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B. The R Interchange Meets the Stated Purpose and Need as to Capacity.

Even if CDOT's grossly inflated traffic projections are applied, the R Interchange nonetheless meets purpose and need as to capacity.

CDOT's assertion of a capacity issue is based upon analysis prepared by SEH, Inc. with reference to projections for 2030 am peak hour conditions.

This analysis constitutes a clear error of judgment. Dobic 4. Fundamentally, this work was flawed because SEH failed to consider reasonable and practical changes that would provide an adequate level of service. SEH assumed that a fourth leg would be added to an original three leg intersection design, and no adjustments would be made to the signal operation or lane geometry. This is not best practice in the traffic engineering profession. Dobic 4-5.

The actual facts establish that a fourth leg to the R intersection is highly unlikely:

1. The access road is roughly 35' to 40' higher than the proposed R overpass across US 160. Due to the difference in grade and extremely steep upper portion of the gravel pit access (12% average grade) it simply is not realistic to revise the gravel pit alignment to tie into the proposed R interchange.
2. We understand that La Plata County is dissatisfied with the current alignment and is exploring alternatives with private property owners to obtain access via the existing Grandview Interchange.
3. The La Plata County access is currently a right in/right out access and CDOT is proposing to increase their accessibility to the State Highway System to a full movement access point rather than consolidate it. Proposing a full movement access instead of the right in/right out access to the detriment of the intersection's LOS is an arbitrary and capricious decision that potentially eliminates a feasible and prudent interchange.
4. The R Interchange was proposed as a conceptual design and with additional planning easily can be modified during the final design to avoid the existing gravel pit access road. It would appear that CDOT has done just the opposite by positing that gravel pit access must be granted at the R interchange as a basis for claiming the interchange would fail the stated purpose and need of no less than LOS D. CDOT therefore appears to have designed to failure rather than design to solution.

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F. All of the R alternatives (R1–R5) include an interchange at US 550 and US 160. A feasible, buildable interchange was developed from information submitted by Russell Planning and Engineering. This was developed during the 2015 IAA process. This interchange included westbound on- and off-ramps on the north side of Wilson Gulch (see 2015 IAA, Exhibits 6-2 and 6-11). These ramps preclude the County gravel pit road from directly tying into US 160 as it does today.

Given the level of design of Alternatives R1–R4 at the time they were presented to CDOT, CDOT assumed that the most plausible solution would be to provide access to the County gravel pit at or near its existing location. This solution complies with the Access Control portion of the project's purpose and need. This argument is no longer relevant, because of the work conducted by the independent design team. The independent team determined that the County gravel pit road could not tie directly to the proposed interchange as a fourth leg because the grades were found to be impractical. To address this issue, the Alternative R5 solution included rerouting the County gravel pit road to tie into the existing Grandview Interchange roundabout (see 2015 IAA, Exhibit 6-2). The future 2035 operations analysis for this configuration is presented in Chapter 3 of the 2015 IAA. All segments are expected to operate at LOS D or better and, therefore, meet this component of the project's purpose and need.

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5. CDOT has not taken into consideration that, given current deposit levels, the County gravel pit will no longer be in operation in 2030.
6. CDOT has not taken into consideration that the County gravel pit could gain access to both US 160 and US 550 to the east, potentially at the Grandview Interchange. The topography favors that solution.

Russell 4; Aldridge 15, ¶ 52.

Even if a fourth leg were to be utilized, an acceptable level of service nonetheless could be achieved easily by minor changes to the operational design. For example, merely increasing the signal cycle length would achieve an overall LOS D with an average delay of 52 seconds. Another possibility includes changing the lane configuration from single to dual westbound left-turn lanes, which would improve the capacity to LOS D or better on all approaches with an average delay of 47 seconds. Most significantly, changing the lane configuration to add dual northbound left-turn lanes would improve the intersection capacity to LOS B with a minimal delay of only 17 seconds. This is performance that is superior to the preferred Alternative G-Modified selected by CDOT, Dobie 5.

Further, if a fourth leg were to be utilized an operations analysis of the weave section between the access and the off-ramp for SB US-550 indicates that it would operate satisfactorily at LOS C or LOS D until the access is closed. Aldridge performed that analysis using the Highway Capacity Software (HCS) for an A type weave and with the 2030 pm peak hour volumes from SEH appended report "Alternative R Analysis" February 7, 2012. Aldridge 15, ¶ 52-53.

As to capacity, not only did CDOT fail to consider important aspects of the problem but it also failed to engage in "all possible planning" efforts in violation of the Section 4(f) process.

V. CDOT'S "SAFETY" CRITICISMS OF THE R1-4 ALTERNATIVES ARE ENTIRELY WITHOUT MERIT BUT NONETHELESS ARE EASILY RESOLVED.

CDOT interposes four objections to R1-4 relative to: (a) design speed, (b) speed reductions (descending Farmington Hill on northbound US 550 ("speed drops"), (c) reduction of design speed due to driver sight distances, and (d) vertical grade on horizontal curves.

These criticisms constitute minor technical issues that can be addressed with relative ease. Moreover, such issues normally are addressed during construction design development and not considered threshold criteria for dismissing a viable alternative. Dobie 2-3; Aldridge 17-18, ¶ 65.

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A. Design Speed

A design speed is set to fit site-specific conditions and constraints. It should be high enough that the posted speed limit will be less than or equal to the design speed. Aldridge 7, ¶ 28.

CDOT did not establish any particular design speed as a purpose and need criterion for the realignment of US 550. TiG 5. Yet the Archuleta Letter references design speed, including a conclusory statement that “dropping the design speed to anything below 55 mph would be an unacceptable safety risk.” Archuleta, 4. If CDOT means to assert this as an empirical proposition, it is clear error.

CDOT observes that US 550 has a design speed of 70 mph from the New Mexico line to just south of CR 220, where it decreases to 60 mph. Archuleta 3.

AASHTO (p. 70) provides geometric criteria for design speeds between 15 and 80 mph. There is no magical 55 mph cutoff under AASHTO or otherwise. Dobie 7-8.

At Farmington Hill, US 550 technically is not a “freeway,” because it does not fully control access, and will not do so in the future regardless of the alternative that is constructed. TiG 6. The proper classification of US 550 at Farmington Hill is a Rural Arterial roadway in mountainous terrain. Dobie 7-8; Aldridge, 7, ¶ 27; TiG 4, ¶¶ 9-11.

The proper range of design speeds for this classification is 40 to 50 mph. *Id.* With stated design speeds of 45 mph, R 2 and 4 are clearly within the acceptable range of appropriate speeds. TiG 7; RPE 2.⁸

Importantly, each of the R Alternatives outperforms G on weighted time travel and time efficiency (less time, less gasoline, less pollution). RPE 5-7. In fact, G is *the least* efficient alternative against all other alternatives, including R alternatives with lower design speeds. *Id.* As Dobie points out: speed kills, and research shows that the severity of accidents increases as the velocity increases. Dobie 8.

Whether or not an R Alternative has a design speed of at least 55 mph is not a basis for eliminating it from further planning; and for CDOT to suggest otherwise would be clear error.

⁸ Interestingly, although not disclosed by CDOT, the computed design speed for G at Farmington Hill is actually 51 mph and the posted speed would be 50 mph. TiG 5.

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G. US 550 from the New Mexico state line to the beginning (southern end) of this study area is being designed for 70 mph, which is consistent for a rural principal arterial with the main purpose of providing mobility in the Four Corners region.

Alternatives R1 and R3 have a 35 mph curve at the southern end of the project, and Alternatives R2 and R4 have a 45 mph curve at the southern end. An abrupt change from 70 mph to 35 mph, or even 45 mph, creates an unsafe condition, even if the roadway is signed to warn the driver of a reduced speed ahead. This information was presented at length in the CDOT letter to FHWA, dated May 21, 2012. This is available in Appendix F of the 2012 SFEIS.

After a thorough evaluation of issues related to design speed, the independent design team established a stepped-down design speed approach for all alternatives as they approach US 160 from the south. They assumed a 70 mph design speed coming into the project area from the south and set the absolute minimum design speed at 55 mph for the southern curves near CR 220, and 40 mph for the northern curves near US 160. They further relaxed the design speed to 35 mph for the last curve approaching the Alternative R5 interchange because that curve was approaching a stop condition. (See 2015 IAA, Section 5.1, Table 6-1, and Appendix K, Design Speed Memorandum.)

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B. Transition Zones for Reducing Speed (or "Speed Drops")

The gravamen of CDOT's commentary on speed principally is directed to the necessary speed reduction on northbound US 550 at CR 220 from 60 mph as it descends Farmington Hill. On that point, CDOT states that reduction in design or posted speed by more than 15 mph "creates a high crash risk." Archuleta 4, citing "FHWA 2007," which presumably is *Mitigation Strategies for Design Exceptions, FHWA 2007 ("FHWA Mitigation Strategies")*. See, Exhibit 11. CDOT then posits that dropping the speed to anything below 55 mph "would be an unacceptable safety risk." *Id.* Apparently, this is a comparison between 70 mph on US 550 south of CR 220 and the beginning of R2/4 and R1/3 north (and downhill) of CR 220, and their respective design speeds of 45 and 35 mph.⁹

A reduction in design speed within the highway's corridor should not be more than 15 mph and ideally 10 mph according to the Green Book, pp. 69-70. If the speed drops more than 15 mph, then a speed transition zone is deployed that drops the speed in 10 mph increments. Within the transition zone, appropriate advance warning signage (Speed Reduction, W3-5, MUTCD) is a necessary addition. Flashing and variable message signs can be placed as well should conditions dictate. Aldridge 7, ¶ 28.

CDOT misinterprets FHWA *Mitigation Strategies*. At pages 26-27, that document actually addresses average running speed (85th percentile) differentials, not design speed differentials. Running speed differences, such as a slow moving truck in a high speed highway segment, clearly can pose a problem. This, however, is not the case with K. With a 5% grade (the same as G), the speed differentials are manageable, and climbing lanes are not required to achieve desired safety standards and limit unsafe speed differentials. Dobie 9; TIG, 7

In evaluating R, CDOT erroneously assumes the absence of speed transition zones. In fact further development of R provides for transition zones. RPE 3, Section 3.2. The R Alternatives will employ a combination of design elements that will signal drivers to reduce speed as a reasonable systematic response. Dobie 9; TIG 8.

According to the Aldridge Report, CDOT's determination that the design speed reduction in the R Alternatives is unsafe is completely lacking in acceptable traffic engineering practice and principles, as a matter of course require review of reasonable mitigation options. By simply applying that Green Book, CDOT M & S, and MUTCD standards and guidelines,

⁹ CDOT thus performs bad math. CDOT notes that at CR 220 the US 550 design speed is 60 mph, so a "speed drop" to 45 mph would be permissible without a transition zone. The design speed for R2/4 is 45 mph; the design speed for R5 is 55 mph.

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H. Lowering speeds on a mainline highway facility creates significant safety issues. Speeds cannot be reduced by simply changing the posted speed. The curvature and width of the roadway, along with visual cues in the surrounding landscape, are what established a driving environment where drivers choose speeds that feel reasonable and comfortable. According to the *AASHTO A Policy on Geometric Design of Highways and Streets (2004)*, curves with low design speeds relative to driver expectations often have poor safety records and should be avoided. Horizontal curvature should be designed for the expected speed on the constructed facility. The design speed on US 550 would have to be modified to add speed limiting roadway characteristics to the mainline to reduce the speeds drivers are likely to feel comfortable driving. Adding such characteristics would increase the amount of adjacent property, cost, right-of-way acquisition, and environmental impacts associated with the project. Although warning signs could be used to alert drivers to the sharp curves and lowered speed, it is not acceptable to design new mainline facilities that require warnings to drivers that an unsafe condition is ahead. Numerous studies have indicated that reasonable and prudent drivers, as measured by the 85th percentile speed, will not significantly alter what they consider to be a safe operating speed, regardless of the posted speed limit unless there is constant heavy enforcement. In general, an appropriate design speed should be within approximately 5 mph of the travel speed.

For Alternative R5, the IAA team developed design speeds that transitioned from 70 mph just south of the study area to 35 mph entering the interchange. The upper curve of this alternative is able to achieve a speed of 55 mph by increasing the curve radii over the R1-R4 Alternatives. However, this change in design requires full acquisition of the Hillmeyer and Piccoli properties (including three residences and one business), increases the environmental impacts, and creates construction and logistical issues because of the extent and nature of the walls that would be necessary to make this alternative feasible. This transition of design speed in Alternative R5 is technically within the parameters established by AASHTO, CDOT, and FHWA, but the combination of vertical and horizontal curves within this area creates an undesirable situation.

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CDOT properly could have determined that R presents no issue or problem relative to speed reduction. Aldridge 14-15, ¶51.

These standards and guidelines explain in plain language how the speed reduction is handled by placement of advance warning signs and speed limit signs at certain distances. In addition, guidance and options are prescribed for situations where the driver needs to be alerted to changing terrain, steep grades, sharp curves, and ice and snow conditions. *Id.*

The transition to speed reductions from 60 mph at CR 220 easily could be designed and managed to conform to all engineering and safety standards. Dobie 9; Aldridge 8, 18, ¶¶ 28, 66, 68.¹⁶ The reduction in speeds required on an R Alternative will not create significant safety risks. (IG 3).

CDOT traffic engineers are skilled in handling speed reduction zones on mountain highways throughout Colorado including deployment of Information Technology Systems (ITS) such as variable message signs that alert the driver to weather conditions, accidents, and estimated time of arrival. But CDOT did not apply this knowledge to the R Alternatives and therefore failed to engage in "all possible planning and/or engineering" with respect to managing speed reduction. *Id.*

C. Reduction of Design Speed Based Upon Sight Distances

In calculating design speeds and as an attempt to maximize speed differential to disadvantage R -- the Archuleta Letter effects a deduction of 5 mph for the R Alternatives because its center median barrier would decrease driver sight distances. Archuleta 3.

R's road geometry includes four travel lanes plus a fourteen foot wide center median with a concrete barrier for improve safety and decrease the severity of any accidents. The 1250 foot radius curves of R 2/4 and 45 mph design speed provide adequate distances for the two outer lanes and the inside ascending lane. Only a small portion of the descending lane in the upper curve conflicts with AASHTO sight distance recommendations. This issue easily can be remedied by moving the barrier, changing the type of barrier (such as using a "see through" barrier as CDOT used at Glenwood Canyon), widening the median, increasing the curve radii (as R5 does) or increasing the width of the median lane. All of these are simple design changes with no significant cost implication. Dobie 7; Aldridge 15-16, ¶ 54.

¹⁶ Alternative G also will require speed transition zones due to the 5% downgrade. *Id.*

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- I. The contention that simple design adjustments could be made to Alternatives R1–R4 to avoid sight distance issues is simply not true. The independent team of AMEC/Muller demonstrated that significant adjustments and design considerations were needed to bring any "R" alternative up to recommended design standards. Alternative R5 is the closest of any of the proposed alternatives submitted by Mr. Webb along the existing alignment to achieve this goal. However, this came with substantial impacts to resources as previously mentioned. Despite a significant amount of engineering refinement, Alternative R5 was still determined by FHWA to not be a reasonable alternative.

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<p>CDOT could have addressed and resolved this 5 mph deduction by undertaking reasonable additional planning and its failure to do so violates Section 4(f).</p>			
J	<p>D. Vertical Grade at Horizontal Curve</p> <p>The sag and crest vertical curve for the R alternatives conforms to minimum AASHTO standards to achieve an economical design. Similar to the discussion of median barrier sight distances, the vertical curve geometry is a design development stage issue that can easily be rectified, if changes are needed. This is not a threshold consideration to eliminate a feasible and practical alternative. If CDOT desires longer vertical curves to offset any conflict with the horizontal geometry, such changes easily could be made without any significant project cost increase or redesign. All curve geometry issues can be mitigated, no variances are required. Dobie 9.</p>		
	<p>CDOT could have addressed and resolved this "issue" by undertaking reasonable additional planning.</p>		
K	<p>E. Conclusion</p> <p>Based upon their review of the record, each independent professional engineer has concluded that CDOT failed to engage in all possible planning, but instead effectively attempted to torpedo R1-4. See, e.g., Aldridge 18-19, ¶¶ 69, 71.</p> <p>According to TIG, "CDOT clearly has not engaged in all planning to refine or enhance Alternative R, which imposes the least harm to 4(f) properties including the Webb Ranch." TIG I, 14.</p> <p>Dobie: "In my professional opinion R-Alt 2, 4 and 5, in their present preliminary conceptual design phase, meet the stated purpose and need of the project and easily can be enhanced to address each and every "safety" and "capacity" concern or criticism levied by CDOT. It is my professional opinion that CDOT did not, and has not, engaged in all possible planning to mitigate R-Alt variations." Dobie 3.</p> <p>Accord, Krager (at 3), RPE (at 3, 10).</p>		
	<p>VI. RPE'S NEW R5 ALTERNATIVE RESOLVES EACH OF CDOT'S OBJECTIONS TO R1-4.</p> <p>We requested RPE to undertake additional planning relative to the R Alternatives because CDOT had failed to do so. Specifically, we requested RPE to address CDOT's criticisms through design. Within one week, RPE delivered R5. See, Exhibit 7, conceptual design drawings, preliminary cost estimates and a 10 page explanatory report. The key features</p>		
L	<p>DEPT. OF TRANSPORTATION NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS LEED ANN ARBOR LANSING GRAND RAPIDS</p>		
	<p>NOTE: See Attachment 2 of this appendix for a full copy of this letter.</p>		

Response to Comment 65 (cont'd)
<p>J. As it relates to Alternatives R1-R4, the sag and crest curves were not used as stand-alone threshold considerations. However, when combining these issues with other factors, such as speed transition zones and reduced sight distance from median barriers, among others, these curves are undesirable. According to the <i>AASHTO Policy on Geometric Design of Highways and Streets (2004)</i>, the combination of horizontal and vertical curves (which is present in all Alternative R variants) do not meet the general design controls for sharp curves with a sharp crest vertical curve, or sharp curves at the bottom of a steep grade.</p> <p>Alternative R5, as advanced in the 2015 IAA, was designed to avoid sharp horizontal curves at crest vertical curves. The designers were able to address this issue. Alternative R5 still has an undesirable tight curve (radius of 325 feet) at the bottom of a long 5 percent grade. This is undesirable and unavoidable for any of the R alternatives.</p>
<p>K. CDOT appropriately engaged in all possible planning to minimize harm for the feasible and prudent alternatives analyzed in the Section 4(f) Evaluation. All possible planning, as defined in 23 CFR 774.17, does not require analysis of alternatives that are not feasible and prudent, such as Alternatives R1-R5. Section 11 of the Revised Section 4(f) Evaluation (CDOT, 2015) addresses how CDOT has incorporated all possible planning to minimize harm. Appendix C of this ROD includes mitigation measures that will be incorporated into the Selected Alternative.</p>
<p>L. Neither Russell Planning and Engineering (RPE) nor any of the six independent engineering firms were able to solve the design challenges of the Alternative R5 interchange. With the exception of RPE, all independent firms commented on distinct technical issues without sufficient data to truly evaluate if Alternative R5 was reasonable, feasible, or prudent. Alternative R5, as submitted by RPE, provided a good starting point but lacked sufficient design detail to determine if it was feasible or prudent. The IAA team further developed the design of Alternative R5, including an extensive interchange analysis and design process. They considered five interchange configurations in addition to RPE concepts H1.1 and H1.2 in an attempt to find a viable, low-impact solution. Comparing the interchange layout that they selected to the interchange proposed by RPE shows that the</p>

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technical problems associated with the R alternatives were not fully addressed by the submitted interchange design. The independent design team's Alternative R5 interchange is more than 5,000 feet long, from east to west, and straddles Wilson Gulch. In contrast, the RPE conceptual interchange is a fraction of the length and doesn't adequately address the geometric constraints and appropriate design criteria.

Exhibits 6-11 through 6-19 of the 2015 IAA illustrate the Alternative R5 design as refined by the IAA team. The IAA team concluded that Alternative R5 and its interchange were technically feasible, but resulted in a substantial magnitude of impacts that was likely unforeseen at the time the RPE design concepts were submitted. The IAA team did not recommend Alternative R5.

M. Alternatives R1–R4 were first analyzed to determine if they could meet the minimum requirements for the first controlling criterion, Design Speed. As has been previously documented, these alternatives failed to meet this essential controlling criterion. This one factor controls many of the other criteria, including sight distance, horizontal and vertical curves, cross slopes, lateral off-sets to obstruction, and superelevation. Alternative R5 was able to address some of the criteria as detailed in the 2015 IAA. However, because of multiple safety, maintenance, operation, construction cost, environmental, and community impacts, Alternative R5 was determined to not be a reasonable alternative by FHWA and not prudent under Section 4(f). This is fully documented in the August 5, 2014, letter from FHWA to CDOT, which is contained in Appendix B of this ROD.

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include increased design speed to 55 mph (by increasing the curve radii to 1335 feet), northbound US 550 transition speed zones, an additional lane to the Interchange overpass which allows a double left turn from northbound US 550 to eastbound 160 and further reduced weighted travel time (now 32 seconds faster to Durango than G, and at slower through speeds).

In one week, RPE has accomplished what CDOT refused to undertake these past nine months. It is too is evidence that CDOT has violated Section (f).

We ask that you carefully review the details of RPE's work.

VII. SIX INDEPENDENT ENGINEERING FIRMS HAVE DETERMINED THAT THE R ALTERNATIVES MEET OR EXCEED ALL SAFETY CRITERIA.

In connection with our November 28, 2011 submission, in support of R1-4 RPE submitted a 75 page report (plus six exhibits, including preliminary drawings and computations) together with a supporting report from Krager and Associates. Both firms have submitted reports in connection with this submission.

For this submission, FHWA and CDOT accorded us 37 days, after they took nine months to prepare the SFEIS. In any event, we requested four engineering firms – with no previous contact with the Webbs, this law firm, RPE or the R Alternatives – to review this matter. And we requested that three of these firms provide a full review of whether, from a safety perspective, the R Alternatives meet CDOT's purpose and need and are prudent and feasible: Aldridge, TiG and Dobic. The fourth is Garth Dull.

Each firm found efficacy in the R 1/3 alternatives, acknowledging the context that they were designed to preserve the Hillmeyer and Piccoli properties, in whole or in part, even though they are not Section 4(f) properties. These designs required shorter curve radii and slower design speeds, neither of which is optimal.

All three firms concluded that R 2, 4 and 5 meet purpose and need and are prudent and feasible alternatives.

Aldridge and TiG applied FHWA *Mitigation Strategies* (MSDE) Chapter 1, p. 6, which requires the utilization of thirteen Controlling Criteria that govern highway design. The criteria provide minimum requirements and standards for:

- 1) Design speed
- 2) Lane width
- 3) Shoulder width
- 4) Bridge width

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5) Horizontal alignment
 6) Superelevation
 7) Vertical alignment
 8) Grade
 9) Stopping sight distance
 10) Cross slope
 1) Vertical clearance
 2) Lateral offset to obstruction
 3) Structural capacity

Aldridge and TiG both have concluded that R 2, 4 and 5 meet or exceed each of these criteria. Aldridge 7-11, ¶¶ 28-40, 67; TiG 9-14. TiG noted that CDOT has included on US 550 at Bondad Hill many of the design elements incorporated in the R Alternatives. TiG 13.

The Aldridge Report also applies the seven elements promulgated by FHWA for determining whether the R Alternatives are "prudent and feasible" and concludes that there is no basis to exclude the R Alternatives. Aldridge, 11-14, ¶¶ 41-49, 67.

Likewise, TiG concludes that R 2, 4 and 5 meet the safety requirement for purpose and need, TiG 9, 14; and concurs that both alternatives are prudent and feasible alternatives. TiG 13-14.

Accord, Dobie (at 3), Krager (at 2-3) and Dull (at 10).

VII IT IS BEYOND PURVIEW THAT R IS THE ONLY ALTERNATIVE THAT MINIMIZES HARM TO SECTION 4(f) PROPERTIES.

Section 4(f) requires, if possible, the complete avoidance of all property and cultural resources protected by that law. Under Section 4(f), if avoidance is not possible, an agency must select the only alternative that minimizes harm to property and cultural resources that are protected by law.

On a purely quantitative basis -- the measure of acreage alone -- Revised G Modified imposes the greatest harm to Section 4(f) properties. G takes four to five times more 4(f) protected land than any of the R Alternatives. RPE 9, Table 3.

But this quantitative analysis tells only a fraction of the story. CDOT has not engaged in any qualitative analysis of the subjective magnitude of the harm to the Section 4(f). The Advisory Council on Historic Preservation requested FHWA to perform that analysis and share it with the consulting parties. See letter from ACHP to FHWA, May 31, 2011, p. 2. FHWA

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Response to Comment 65 (cont'd)

N. Under Section 4(f), FHWA is required to determine if there is a use of a Section 4(f) property. If there is a use of a Section 4(f) property, the Section 4(f) regulations require a finding that (1) there is no feasible and prudent alternative that completely avoids the use of such land, and (2) the project includes all possible planning to minimize harm to the historic site resulting from such use. In addition, the selected alternative must cause the least overall harm (23 CFR 774.3[c]). Seven factors that must be studied includes the relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection, and others, such as the "magnitude of adverse impacts to resources not protected by Section 4(f)". FHWA has completed this analysis and it is documented in Chapter 5 (Section 4(f) Evaluation) of the 2012 SFEIS, which was made available to all of the consulting parties, including this commenter, and in the *Revised Section 4(f) Evaluation* (CDOT, 2015). (See *Revised Section 4(f) Evaluation* in Appendix G of this ROD.)

As discussed in the response to Comment 65.A, the only design variation of the R alternatives that meets purpose and need is Alternative R5. This alternative has been analyzed and determined to not be prudent under Section 4(f) because of multiple safety, maintenance, operation, construction cost, environmental, and community impacts, as explained in the Revised Section 4(f) Evaluation (CDOT, 2015.) As such, Alternative R5 was not included in the least harm analysis.

The RGM6 Alternative has been shifted approximately 750 feet west of the Revised G Modified Alternative, thus minimizing acreage to be acquired from the Webb Ranch. This alternative also minimizes visual impacts by using a natural ridge to obscure view of the highway from the ranch buildings.

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<p>N cont'd</p>	<p>and CDOT have ignored that request, for obvious reasons.</p> <p>CDOT proposes to bisect the heart of Webb Ranch with a highway that includes excavation of a trench by removing 1.6 million yards of material and the construction of two sets of bridges over the two existing ravines, one of which is actually an extremely deep gorge. The highway would crest on Farmington Hill approximately 200 feet from the primary ranch residence and the historic barn with associated corrals and chutes. The G Alternative destroys the ranch. It visits upon Webb Ranch a magnitude of harm that is exponentially greater than any harm imposed by any US 550 alternative on any Section 4(f) protected property.</p> <p>Six independent engineering firms have opined that R 2/4 meet CDOT's purpose and need, and that such determination is beyond challenge. Those alternatives minimize harm to Section 4(f) properties compared to G.</p> <p>If none of R1-4 variations meet CDOT's purpose and need, and six engineering firms have opined that at least three do, beyond any doubt R5 meets CDOT's purpose and need and also minimizes harm to Section 4(f) properties. R5 requires acquisition of the Hillmeyer and Piccoli/Eagle Block properties, but those are not protected by Section 4(f).</p> <p>CDOT clearly has not engaged in all planning to refine or enhance Alternative R, which imposes the least harm to 4(f) properties including the Webb Ranch. TiG 1. TiG opines that R 2 and 4 should be considered as alternatives that impose the least harm to Section 4(f) properties including Webb Ranch. TiG 7, 14.</p> <p>By endorsing G as the preferred alternative, CDOT has violated Section 4(f).</p>		
	<p>O</p> <p>VII. SINCE JANUARY 4, 2008, CDOT AND FHWA HAVE CONDUCTED AN ADMINISTRATIVE PROCESS THAT IS BIASED AND TAINTED AND THEREFORE, AS A MATTER OF LAW, IS ARBITRARY AND CAPRICIOUS.</p> <p>It is astonishing that in the nine months since the Webb November 2011 submission, the entirety of CDOT's effort has been devoted to the development of a putative "record" for "screening out" R rather than actually undertaking further planning and development of R. In so doing, CDOT:</p> <ul style="list-style-type: none"> Operated under the reality that it prematurely constructed the \$50 million Bridge, creating an actual or perceived need to deliver an alternative that 		
<p>DESIGN: NASHVILLE WASHINGTON, D.C. TORONTO UMOHUK LAS VEGAS TULSA ANN ARBOR LANSING GRAND RAPIDS</p>			
<p>NOTE: See Attachment 2 of this appendix for a full copy of this letter.</p>			

Response to Comment 65 (cont'd)

O. The process that CDOT has undertaken since the initiation of the NEPA process in 1999 and continuing through the supplemental NEPA process has been fully compliant with the requirements of NEPA, Section 4(f), and other state and federal laws. This process has included development of purpose and need and re-collection of related data, as well as reevaluation of 20-year traffic volume forecasting methodology and traffic volume forecasts. Alternatives have been developed and refined and reexamined to respond to the purpose and need. The role of the US 160/US 550 Grandview Interchange has been examined and its independent utility has been well documented as described in the response to Common Comment 7 (included in the 2012 SFEIS). Environmental data have been collected and refined several times over the years. State and federal agencies have been involved in this process. The public and adjacent landowners have also been involved in numerous meetings to discuss the process and the recommendations. The recommendation of G Modified in the FEIS and Revised G Modified in the SDEIS and SFEIS was based on sound reasoning, as described in Section 2.5.5 of the 2006 FEIS and Section 2.5.6 of the 2012 SFEIS.

Since receipt of the comments on the 2012 SFEIS, CDOT coordinated with state and federal agencies, finished analysis and documentation of the 2012 SFEIS and Section 4(f) Evaluation, and engaged an independent team of professionals to conduct an independent review of alternatives, including updating environmental data.

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This team utilized the preliminary engineering information provided by Russell Engineering, and refined it to develop Alternative R5 to a point where the team felt comfortable that it was feasible to construct. The findings of the evaluation done on Alternative R5 are summarized in the response to Comment 1. The team also analyzed six additional alternative alignments and met with stakeholder groups several times throughout the design process to get their input before arriving at a selected alternative. The team then evaluated all seven alternatives with regard to purpose and need, logistics, cost, and environmental resource impacts. For additional details, please see the 2015 IAA in Appendix F of this ROD.

As described in the August 5, 2014, letter from FHWA to CDOT, which is included in Appendix B of this ROD, Alternative R5 has many challenges and increased environmental impacts. It is not a reasonable alternative under NEPA requiring further advancement and evaluation pursuant to 23 CFR 771.123(c) because of these multiple safety, maintenance, operational, construction cost, environmental and community impact factors in addition to the unique risks associated with building the new alignment while maintaining traffic on US 550 in this extremely challenging topographic environment. It is also not a prudent alternative under Section 4(f) using the totality of factors provided in 23 CFR 774.17(3)(iv).

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connects to it;¹¹

- Utilized the same personnel who for years have designed the Bridge and G and are therefore invested in the success of completing the entire integrated project;
- Employed cursory and superficial analysis;
- Elevated minor technical issues typically addressed and resolved during construction plan development as purported grounds for eliminating a prudent and feasible alternative;
- Applied a "rigid fault finding" approach to R and "problem solving" approach to G such that enhancements were incorporated in G not incorporated in R;
- Appears to have proceeded with a "hidden agenda that favors connection to the recently constructed Grandview Interchange";
- Ignored objective evidence that R is actually superior to G under most applicable criteria;
- Ignored that G's impact on Section 4(f) properties is immensely greater, quantitatively and qualitatively, than R's;
- Engaged in a process that evidences a determination to improperly favor G; and
- Utilized methodologies to enhance G not applied to R.

All of this, and more, is set forth in the reports from six independent engineering firms that carefully have reviewed CDOT's process and work product.

And yet CDOT clings to the one page "safety" assertions authored by an in-house engineer, conclusively refuted here, to screen out the R Alternatives on preliminary conceptual designs and to eliminate R from further study, slamming the door shut with that one page. The result is inexplicable, unjustifiable.

¹¹ CDOT constructed the Bridge with a deck span that rises 69 feet above US 160, with associated higher and longer ramps, more expansive bridge abutments and taller and more expansive retaining walls than would be required if the Bridge had been designed simply to create a bridge road connection to the south side of US 160. The connection is inescapable: CDOT built this Bridge for G and US 550. RPE 10.

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What explains this? The Bridge.

This dispute is not grounded in competing engineering opinions over which reasonable minds could differ. CDOT's failings are far too stark for that.

This dispute emanates from a process that was, and continues to be, tainted by CDOT's precatory decision to commence construction of the Bridge. A tainted process produces a tainted result.

We commend a full reading of the report and opinion of Garth Dull, who served the Nevada Department of Transportation for more than 30 years, nine as Director and six as Deputy Director. His is a powerful indictment, from one who served as a peer on the government side of this industry and who was responsible for the same processes and decisions, and required to discharge the same obligations, upon which he now opines as to CDOT. To summarize his conclusions, and support therefore, would dilute the strength of the full read, but in the introduction to this letter we have quoted from his concluding opinions.

Garth Dull is joined in his opinion by John Aldridge, a professional engineer for more than 30 years, in Colorado, specializing in traffic engineering and transportation planning, and well known to, and respected by, CDOT management personnel. According to Aldridge:

CDOT constructed the Grandview interchange with the obvious intention of relocating US-550 from south of CR-220 through the Webb Ranch and connection to the interchange. Clearly, CDOT positioned the bridge over US-160 to accommodate the relocation of US-550. The support for this opinion includes the following:

Aldridge 15-16, ¶55.

Aldridge then recounts CDOT's decision making process to advance G over all obstacles, culminating in the elimination of R without further study, for entirely specious reasons. *Id.* 16-19.

The Dull, Aldridge, TiG, Dobic, Krager and RPE reports are replete with the identification of CDOT acts and omissions that meet the arbitrary and capricious standard applicable under the Administrative Procedures Act, which is met if an agency engages in one or more of the following:

- (1) entirely failed to consider an important aspect of the problem;
- (2) offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a

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Response to Comment 65 (cont'd)

P. Please see the response to Comment 65.C about CDOT's decision to hire an independent engineering team. This recent process included reevaluating the Section 4(f) Evaluation.

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difference in view or the product of agency expertise:

- (3) failed to base its decision on consideration of the relevant factors; or
- (4) made a clear error of judgment.

Prairie Band Pottawatomie Nation v. FIA, 212 U.S. App. LEXIS 14901, *7 (10th Cir. July 10, 2012), citing *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 710-711 (10th Cir. 2010).

Here, as identified by the independent professional engineering firms, every one of these elements is present in CDOT's decision making process, and each in multiple occurrences.

CDOT's conduct poisoned the Section 106 process and poisoned the Section 4(f) evaluation process.

Not only did FHWA fail to comply with its oversight responsibilities, it became a willing and eager participant in this scheme. The emails of FHWA's Joe Duran, Stephanie Popiel Gibson and attorney Maryanne Blouin are most illuminating in this regard.

CONCLUSION

By this submission, and all of our prior submissions, correspondence and pleadings, on behalf of the owners of Webb Ranch, we seek immediate and full compliance with federal law.

In our November 28, 2011 submission, we opened with an entreaty:

First and foremost, we view this comment period as an auspicious opportunity to find unifying and enabling solutions to meet the needs of the Durango community now and in the future. It offers a fortunate window of time to engage in a transparent and constructive dialogue on an alignment that respects historical properties, meets transportation needs and is cost effective during these challenging economic times. Our submission is offered in a spirit of collaborative problem solving with these important goals in mind.

Clearly, that fell on deaf ears.

But Garth Dull is right: it is not too late to rectify the violations of federal law. This will require:

- Reopening and reinvigorating the Section 4(f) evaluation;

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CDOT is committed to an open and responsive public process for its projects. CDOT is also committed to finding the best solution to address the state's transportation problems. To that end, the last couple of years of independent review and collaborative involvement of key stakeholders have resulted in a decision for a refined Selected Alternative that reduces impacts to the Webb Ranch, responds the best to all elements of the US 550 South Connection to US 160 project's purpose and need, costs one-half as much as the alternative suggested in your August 2012 letter, and minimizes environmental impacts, including to Section 4(f) properties.

Additional information about safety, capacity, purpose and need, and analysis of prudent and feasible alternatives is contained in the responses to Comment 65.A, Comment 65.D, and Comment 65.N.

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- Substituting a new team of independent professionals representing CDOT and the FHWA and protecting the rights and interests of consulting parties and serving the best interests of the community;
- Implementing a "can do" and "problem solving" approach, as RPE has done;
- Engaging in all possible planning to minimize harm to Section 4(f) properties;
- Arriving at a sound decision, free from taint, produced by an objective consideration, application and weighing of the evidence.

Of course, FHWA and CDOT should accede to these requests because it is the right thing to do and Section 4(f) requires it.

However, if the agencies require further encouragement, we submit that a federal court favorably shall entertain the following assertions:

- This situation is *not* a difference of opinion between engineers. CDOT has made clear errors of law, fact and judgment motivated by patent bias and bad faith;
- CDOT already has acknowledged that the R Alternatives meet at least five factors or criterion for advancement of the R Alternatives for further study;
- According to six independent engineering firms, R 2, 4 and 5 present no insurmountable safety or capacity issues;
- According to six independent engineering firms, the safety and capacity issues interposed by CDOT were trivial and easily resolved through planning typical of construction plan designs;
- According to six independent engineering firms, R 2, 4 and 5 meet CDOT's purpose and need;
- According to six independent engineering firms, R 2, 4 and 5 are prudent and feasible alternatives to G.
- According to six independent engineering firms, CDOT has failed to engage in all possible planning to minimize harm to Section 4(f) properties;

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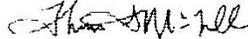
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- According to six independent engineering firms, the R Alternative (variations 2, 4 and 5) is the only alternative that minimizes harm to Section 4(f);
- According to six independent engineering firms, CDOT has conducted charade administrative proceedings to conceal its motivation to connect G to the Bridge;
- CDOT has made a clear error of law by including non-Section 4(f) properties in its weighing of the harms;
- As a matter of law and public policy, upon the January, 2008 designation of Webb Ranch as a Section 4(f) property, FHWA was obligated to direct CDOT to cease land acquisition, condemnation, letting for bid construction contracts for Ramps A and B and the Bridge elements that followed and denied CDOT permission to proceed with construction;
- FHWA personnel became business partners in the advancement of the "Grand Dig" scheme in complete dereliction of their oversight responsibilities;
- CDOT engaged in intentional misconduct, or at best gross malfeasance, in its now manifest predetermination to build G, and then compounded that misconduct by engaging in subterfuge, concealment and dissembling concerning its intentions; and
- The GAO and the Colorado Attorney General should conduct an investigation of the wrongdoing and gross waste of taxpayer money and public resources that has occurred here.

We designate this submission, and all of its attachments, for inclusion in the administrative record.

Sincerely,



Thomas G. McNeill

TGM:emp
 cc: Lance Hanf, Esq.

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D E T R O I T N O B L E W A S H I N G T O N , D . C . T O R O N T O P H O E N I X L A S V E G A S
 T R A V A N N A R B O R L A N S I N G G R A N D R A P I D S

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Response to Comment 65.1

The information contained in Exhibit 1 was an appendix to the 2012 SFEIS. No response is needed.

Exhibit 1 to the McNeill letter dated August 27, 2012

Memo from Ed Archuleta dated May 21, 2012. This memo contains information about the evaluation of Alternative R.

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Exhibit 2 to the McNeill letter dated August 27, 2012

Report from Transportation, Inc. dated August 24, 2012. Issues brought up in the report include process related issues (independent utility of the interchange, predetermination of Revised G Modified, timing of contact with the Webbs related to ROW needs compared to 4(f) analysis, information provided to the Webbs related to ROW process, timing of construction advertisement related to 4(f) analysis). Also states that Alternative R meets purpose and need. Constructability is a problem but not enough to screen out Alternative R. Design speed can be increased and shown to be satisfactory and compatible with CDOT requirements while still meeting AASHTO standards. Alternative R5 should be fully developed and evaluated.

Response to Comment 65.2

The independent utility of the Grandview Interchange was established in 2008. Please see the response to Common Comment 7 (included in the 2012 SFEIS) which describes this.

The NEPA and 2015 IAA process have been carefully undertaken to make sure there are no pre-determined solutions.

As described in Appendix A of the 2012 SFEIS (the response to Common Comment 8), the right-of-way process proceeds in phases, as CDOT obtains funding for each phase. That is the reason not all of the right-of-way to build the entire interchange was acquired at the same time. CDOT proceeded in this manner after carefully determining that the Grandview Interchange as it currently exists is independent of any of the other phases of the interchange.

The purpose and need for the Grandview Intersection was documented in the 2006 US 160 EIS and re-examined in the 2011 SFEIS and 2012 SFEIS. As documented in Section 1.5 of the 2012 SFEIS, the purpose is to:

- Increase travel efficiency/capacity to meet current and future needs.
- Improve safety for the travelling public by reducing the number and severity of crashes.
- Control access for safety and mobility flow improvements.

Other alternatives were developed and evaluated as described in the response to Comment 1. Alternative R5 was fully developed and evaluated during the 2015 IAA process. While this alternative meets purpose and need, it has safety, maintenance, and operational concerns and issues. Because it is located along the face of Farmington Hill, it precludes providing any grade-separated large animal wildlife crossings. The eastbound off-ramp at the new US 550/US 160 interchange is steep (at 6.33 percent) and difficult to climb in icy conditions. Another ramp has a sharp curve with a low design speed. The US 550 mainline has a sharp curve and a bridge immediately before a traffic signal. The curve makes it difficult to see the signal. The bridge could also become icy, making it difficult to stop at the signal. Its location, set into the side of the hill and running along the north-facing slope, results in less direct sunlight so it is prone to icing. Extensive fill and retaining walls are required along both sides of US 550. The

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Response to Comment 65.2 (cont'd)

retaining walls are as high as 90 feet in some locations. The tall retaining walls require extensive subsurface drainage systems to allow drainage from the ephemeral seeps and springs in the hillside. The steep hillside above US 550 is composed of decomposed shale overlain by sandy cobbles and boulders which are prone to falling onto the roadway surface or creating erosion problems. All of these issues combine to present substantial safety, maintenance and operational challenges.

Alternative R5 also has twice the wetland impact as the RGM6 Alternative (the refined Preferred Alternative, which is the Selected Alternative), greater impacts to endangered species habitat and requires the acquisition and relocation of three residences and one business. It is approximately twice the cost of the RGM6 Alternative. It is not a reasonable alternative. More information regarding these alternatives is contained in the 2015 IAA.

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.3	City, Zip Code:	

Response to Comment 65.3

Exhibit 3 to the McNeill letter dated August 27, 2012

Report from Aldridge Transportation Consultants, LLC dated August 25, 2012. Issues brought up in the report include:

- *Alternatives R2, 4 and 5 are prudent and feasible alternatives*
- *CDOT did not engage in all possible planning to minimize harm associated with the R alternatives*
- *Alternatives R2 and R4 should employ a speed transition zone and warning signs which would make them prudent and feasible*
- *Revised G Modified has a speed reduction of five percent approaching the interchange. This is the same percent speed reduction as Alternatives R2, 4 and 5.*
- *The lane widths, shoulder widths, bridge widths, horizontal alignment, superelevation, vertical alignment, grade, stopping sight distance, cross slope, vertical clearance, lateral offset to obstruction, and structural capacity for Alt R2, 4 and 5 meet or exceed standards in the Green Book and in CDOT M & S Standards*
- *The R alternatives pass the test for increased travel efficiency/capacity*
- *The R alternatives improve safety*
- *The R alternatives meet the access control needs*
- *There are no unique problems or truly unusual factors associated with the R alternatives*
- *The R alternatives do not cause adverse social, economic or environmental impacts*

As discussed in responses to Comment 1 and Comment 65.2, Alternative R5 was developed and evaluated in more detail. It has been found to result in adverse environmental impacts which are greater than RGM6 Alternative in the areas of wetlands, riparian habitat, wildlife habitat, water resources/water quality and impacts to other properties, resulting in a displacement of 4 structures.

Please see the response to Comment 65.A, Comment 65.D, Comment 65.F, Comment 65.G, Comment 65.H, Comment 65.I, Comment 65.J, Comment 65.K, Comment 65.L, and Comment 65.M for information about Alternatives R1, R2, R3, R4, and R5.

The new analysis that has been done of Alternative R5 concurs that it will not cause any extraordinary community disruption. Its location along the existing US 550 alignment, however by necessity will result in more temporary community disruption to travelers on US 550 compared to the RGM6 Alternative, which is located on an alignment removed from traffic. The analysis of construction phasing that has been done shows construction risks, including the safety of the traveling public, are much greater than any risks for construction of the RGM6 Alternative, the Selected Alternative.

As stated in the response to Comment 65.2, Alternative R5 meets purpose and need but to a lesser extent than the RGM6 Alternative, with greater safety concerns and maintenance and operational issues. Its construction cost is estimated at approximately twice the cost of the RGM6 Alternative. An independent analysis was done of the future travel demand forecasts which are found to be reasonable for 2035.

Please see the response to Comment 65.E for information about the travel demand forecasting methodology used for the SFEIS and for the 2015 IAA.

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Exhibit 3 to the McNeill letter dated August 27, 2012

cont'd

- *The R alternatives do not cause extraordinary community disruption*
- *The cost of the R alternatives is comparable or less than Revised G Modified*
- *There is no evidence that the R alternatives would require detouring on CR 220*
- *Two years is not needed to construct the bridge*
- *The methodology used for traffic projections is inferior and unacceptable and results in a highly disproportionate 4.1 growth factor*
- *There is no need to consider access to the existing gravel pit road since it will be closed in ten years and it will operate at LOS C or better until the access is closed*
- *Adding a fourth leg to the hybrid diamond interchange will not downgrade operations to LOS E if signal timing or geometric adjustments are made*
- *Adding a center median barrier will not reduce design speeds by 5mph if mitigation measures such as moving the barrier, widening the center median or installing see through barriers are included*
- *CDOT did not engage in all possible planning with respect to features of Alternative R*

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.4	City, Zip Code:	

Response to Comment 65.4

Exhibit 4 to the McNeill letter dated August 27, 2012

Report from Transportation Infrastructure Group dated August 26, 2012. Issues brought up in this report were identical to other issues except for the following:

- *Design speed is not mentioned in the purpose and need*
- *The design speed for Revised G Modified should actually be 51 mph as controlled by stopping sight distance*
- *US 550 should be classified (under Revised G Modified) as a rural arterial with a design speed of 40 to 50 mph*
- *Alternatives R2 and R4 are clearly within the acceptable range of appropriate speeds*
- *CDOT has not performed any accident analysis on the R alternatives*
- *Alternatives R2 and R4 do not create unacceptable safety problems and address many safety related deficiencies in addition to achieving acceptable design speeds*
- *Alt R2/R4/R5 can be enhanced to minimize impacts to wetlands at Wilson Gulch and to include mitigation features such as dual purpose water conveyance/wildlife crossing at WG*
- *Alt R would create earthwork disturbances but these would occur on an already disturbed site so would be less disruptive to flora and fauna when compared to Revised G Modified*
- *There is a greater abundance of elk and deer on top of the mesa than there is along the western and northern slopes, so there would be less effect to large mammals*
- *The difference in wetland impact is very minor*

Even though design speed is not specifically mentioned in the purpose and need, design speeds are developed for safety reasons. Safety is an integral part of the purpose and need for the project. The design speeds for Alternative RGM and RGM6 were 55 mph for the southern curve and 40 mph for the northern curves approaching US 160. The last (northern) curve on R5 was designed for 35 mph.

CDOT performed accident analysis for Alternative R5 (see Chapter 4, Section 4.2, of the 2015 IAA). It indicates that the safest alternatives are RGM and RGM6.

One alternative called R5 was developed and analyzed during the 2015 IAA process. Alternative R5 was submitted by the Webbs during the public comment period for the 2012 SFEIS. While this alternative meets purpose and need, it has safety, maintenance, and operational concerns and issues. Because it is located along the face of Florida Mesa, it precludes providing any grade-separated large animal wildlife crossings. The eastbound off-ramp at the new US 550/US 160 interchange is steep (at 6.33 percent) and difficult to climb in icy conditions. Another ramp has a sharp curve with a low design speed. The US 550 mainline has a sharp curve and a bridge immediately before a traffic signal. The curve makes it difficult to see the signal. The bridge could also become icy, making it difficult to stop at the signal. Its location, set into the side of the hill and running along the north-facing slope, results in less direct sunlight so it is prone to icing. Extensive fill and retaining walls are required along both sides of US 550. The retaining walls are as high as 90 feet in some locations. The tall retaining walls require extensive subsurface drainage systems to allow drainage from the ephemeral seeps and springs in the hillside. The steep hillside above US 550 is composed of decomposed shale overlain by sandy cobbles and boulders which are prone to falling onto the roadway surface or creating erosion problems. All of these issues combine to present substantial safety, maintenance and operational challenges.

The wetland impact for the RGM6 Alternative is 0.43 acre. As noted in the response to Comment 65.2, the wetland impact for Alternative A is substantially more than that, at 7.8 acres. The wetland impact for Alternative R5 is 1.22 acre, including minimization features. Because Alternative R5 is clearly not the LEDPA, the U.S. Army Corps of Engineers cannot issue a Section 404 permit unless the

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Source:	Letter	Name:	Webb (Thomas McNeill)
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Response to Comment 65.4 (cont'd)

Exhibit 4 to the McNeill letter dated August 27, 2012

cont'd

- *Revised G Modified would like cause more accidents, of greater severity due to higher speeds, than R*
- *Alt R is superior to Revised G Modified with respect to icing conditions and hazards in the winter*
- *The dismissal of Alt A and R represent a clear error in judgment*

RGM6 Alternative is determined to be not practicable. Practicable is defined in 40 CFR 230.3(q) as that available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. Because costs are lower and technology is available and proven to construct the RGM6 Alternative, there are no known features that would affect the feasibility to construct the RGM6 Alternative. The RGM6 Alternative clearly meets the project's purpose and need and, therefore, it is a practicable alternative.

Alternative R5 has noticeably more impact to high-value riparian habitat along Wilson Gulch, including 0.5 acre of Southwestern willow flycatcher habitat and 0.74 acre of New Mexico meadow jumping mouse habitat. Both of these species are protected by the Endangered Species Act. Alternative RGM6 has more impact to piñon-juniper habitat, which is not as valuable to wildlife habitat.

Figures 4-7, 4-8, 4-9a and 4-9b of the 2012 SFEIS all show mapping of areas used by wildlife, including elk and deer. In all cases, this habitat area extends to the bottom of Farmington Hill, encompassing the area that would be impacted by the R Alternatives.

Alternative R5 has noticeably greater impacts to wetlands, riparian habitat, and water resources/water quality when compared to the RGM6 Alternative.

Icing conditions are expected to be more of a concern with Alternative R5 because it is steeper, has tighter curves, and is more shaded than Alternative RGM6.

Alternative R5 also has close to three times the wetland impact as the RGM6 Alternative (the Selected Alternative), greater impacts to endangered species habitat and requires the acquisition and relocation of three residences and one business. It is approximately twice the cost of the RGM6 Alternative. It is not a reasonable alternative. More information regarding these alternatives is contained in the 2015 IAA.

Comments

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.5	City, Zip Code:	

Response to Comment 65.5

Exhibit 5 to the McNeill letter dated August 27, 2012

Report from Patrick Dobie dated August 23, 2012. The issues in this report mirror those in other reports except for a comment that the SEH traffic analysis of the Alternative R variations is flawed and that safety/sight distance analysis, safety/speed zone analysis and safety/vertical curve analysis was done improperly. Also, the R alternatives are better from an access control perspective.

Alternative R5 has been fully developed and all sight distance issues have been resolved. All accesses are maintained with all alternatives. The alternatives that tie into the Grandview interchange are easier from an access perspective because they don't have the long ramps associated with the R5 diamond interchange.

Please see the response to Comment 65.A and Comment 65.H for a discussion of safety/sight distance and safety/speed zones.

Please see the response to Comment 65.J for a discussion of safety/vertical curves.

The response to Comment 65.D addresses the R alternatives from an access control perspective.

Comments

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.6	City, Zip Code:	

Response to Comment 65.6

Exhibit 6 to the McNeill letter dated August 27, 2012

Letter from Krager and Associates dated August 26, 2012.
 This report makes three primary comments:

- *The methodology of adding the trips generated from the Three Springs development to the projected future volumes is not an acceptable methodology for forecasting traffic*
- *The issue of access to the La Plata County Gravel pit has not been fully thought out, since it would no longer be needed by the Year 2030 and alternative access is currently being explored*
- *Alternatives R2, 4, and 5 meet purpose and need.*

Please see the response to Comment 65.E for a discussion of methodology for travel demand forecasting.

Please see the response to Comment 65.F for a discussion of access to the La Plata County Gravel pit.

Please see the response to Comment 65.A for a discussion of the R alternatives meeting purpose and need.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.7	City, Zip Code:	

Response to Comment 65.7

Exhibit 7 to the McNeill letter dated August 27, 2012

Report from Russell Planning and Engineering dated August 27, 2012. This report presents the key features and benefits of the R5 alternative, compares the R alternatives to Revised G Modified and questions the independent utility of the Grandview Interchange. It also includes drawings and exhibits for Alternative R5 and calculations of travel time and cost estimates.

The 2015 IAA team took the design drawing and calculations from Russell Planning and Engineering and refined these to develop Alternative R5.

Comments

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.8	City, Zip Code:	

Response to Comment 65.8

No response needed.

Exhibit 8 to the McNeill letter dated August 27, 2012

E-mail from Joe Duran to Steven Cross about the "Grand Dig" project, dated March 31, 2008.

Comments

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.9	City, Zip Code:	

Response to Comment 65.9

No response needed.

Exhibit 9 to the McNeill letter dated August 27, 2012

New Section 4(f) Policy Paper.

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.10	City, Zip Code:	

Response to Comment 65.10

No response needed.

Exhibit 10 to the McNeill letter dated August 27, 2012

Timeline Prepared by Webbs' Counsel. The timeline states that CDOT covered up the reason for the Permission to Enter, that CDOT hurried the process to get the project to bid and construction award while the Section 4(f) analysis was ongoing, that an early draft of a SEH report states that the on alignment alternatives would meet CDOT design criteria and needs and that CDOT watered the report down.

Comments

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Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.11	City, Zip Code:	

Response to Comment 65.11

No response needed.

Exhibit 11 to the McNeill letter dated August 27, 2012

FHWA Design Exceptions Report.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
Document Number:	Comment 65.12	City, Zip Code:	

Response to Comment 65.12

No response needed.

Exhibit 12 to the McNeill letter dated August 27, 2012

*CDOT Policy Memo 26: Context Sensitive Solutions
(October 31, 2005).*

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December 18, 2012

Kerrie Neet
 Director, Region 5
 Colorado Department of Transportation
 3803 North Main St., Ste. 306
 Durango, CO 81301

Re: US 550 Connection to US 160, Webb Ranch

Dear Ms. Neet,

We have received your letter dated December 6, 2012, faxed to us hours before our meeting in Washington, D.C. with Senator Mark Udall and his General Counsel, Alex Harman, concerning this matter. The "coincidence" was not lost upon us.

As set forth in our prior submissions and below, time and again CDOT Region 5 and the FHWA Colorado Division have demonstrated an irrevocable and predetermined commitment to the G Alternative. Every action, every effort, every retention of outside consultants carefully has been designed and orchestrated to advance G to the exclusion of every other alternative for improvement to US 550 at US 160. The complete baselessness for "screening out" the R2 and R4 alternatives, in the face of the overwhelming engineering evidence proffered by seven independent engineering firms, is only the latest example of the continuing violations of Section 4(f) of the federal Department of Transportation Act ("Section 4(f)").

CDOT's present proposal for an "independent engineering review" lacks the fundamental safeguards necessary to ensure independence, accountability and transparency. To avoid further manipulation of the process, data and analysis to "fit" CDOT Region 5's predetermined selection of G, we submit that the following must be effected:

1. Implementation of Meaningful, Senior Level Supervision. CDOT Region 5 should be disqualified from acting as the responsible contracting entity for the proposed review. Simply put, the fox should not be in charge of any henhouse. CDOT-Denver and FHWA-Washington, D.C. personnel should supervise the process from start to finish.

2. Selection of a Fully Independent Engineering Firm. CDOT exercises extensive influence of the purse. We have seen this before in this matter. In 2008-9, CDOT Region 5 retained SEH, Inc. to review the T Alternatives submitted by the Webbs. SEH drafted a report opining that four of the T alternatives met CDOT's purpose and need. Region 5 then swooped in and insisted upon edits that eliminated those opinions; and, in the end, SEH never issued any report. That abuse cannot be permitted again. Going forward, a review firm must truly be

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 cc: Cady 12.28.12
 Neet (after)

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Response to Comment 66

- A. It would have been impractical and cost prohibitive to bring another agency up to speed simply to provide a contracting mechanism for the independent consultant team. For that reason, CDOT Region 5 hired a consultant team and charged them with reviewing all previous documents and data produced by CDOT, our various consultants, and the Webb Ranch consultants (See AMEC Scope of Work, May 22, 2013). CDOT asked this team to use its collective engineering experience and judgment to determine the best alternative without prejudice from previous conclusions and CDOT informed them that they would be unavailable for comment as they developed their analysis and in fact did not provide direction. They developed their own criteria, which in many instances was different (and more liberal) than what CDOT had been using. They reviewed the traffic projections, created design criteria, and fully developed several design alternatives to form the basis for a true independent comparison. CDOT awarded and administered the independent analysis consultant contract, but stayed out of the day-to-day management of the consultant team.
- B. CDOT selected a consultant team lead by AMEC Environment and Infrastructure, Inc., a global consulting firm that does over \$200 million per year of transportation work. Although AMEC has 133 staff in Colorado, only a small fraction of their staff has been engaged in CDOT work, all in the last couple of years. AMEC put together a team to efficiently execute the work, including Muller Engineering Company, a firm that has extensive experience in the Durango area. The work done by this independent team is contained in Appendix F of this ROD.

A

B

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Document Number:	Comment 66	City, Zip Code:		
				<p>C. The 2015 IAA team involved major stakeholders, including Mr. Webb and the Piccolis, during their work.</p> <p>D. CDOT gave the 2015 IAA team complete freedom to explore any potential alignment between the Revised G Modified alignment and the Alternative R5 alignment. Their charge was to find the best alignment, not to support either Alternative R5 or Revised G Modified. A review of their report will show that they studied every conceivable solution.</p>
	<p style="text-align: right;">DICKINSON WRIGHT PLLC</p> <p>Kerrie Neet December 18, 2012 Page 2</p> <p>independent, which means no material economic, professional or personal relationships with CDOT or CDOT's decision-makers. CDOT should actively solicit of out-of-state firms, if necessary, to identify independent firms.</p> <p>3. Appointment of a Peer Review Committee. Region 5 has operated in its own biosphere, by design, to advance its own objectives to construct G to connect to the Bridge. To achieve a solution for the community that complies with the Section 4(f) mandate, CDOT's Executive Director should appoint a blue ribbon panel of experts, both neutral and representatives of the stakeholders, to review and critique, on an on-going basis, the process, progress and work of the independent engineering firm. Nothing less could be considered independent, transparent and goal-neutral (without a predetermined outcome).¹</p> <p>4. Expansion of the Subject Matter to be Reviewed. It is arbitrary and capricious to limit the review to R5. The review should include: (i) Region 5's grossly overstated traffic volume projections from which it attempts to justify this project; (ii) the R2 and R4 alternatives, supported by seven independent engineering firms as prudent and feasible, meeting purpose and need, and minimizing harm to historic properties; (iii) the G Alternative, which never has been subjected to any independent review; and (iv) any new alternatives or variations that would meet purpose and need and comply with Section 4(f).</p> <p>We submit the following comments in support of the above described safeguards.</p> <p>We hereby designate this submission for inclusion in the administrative record.</p> <p>I. CDOT and FHWA's Prior Misconduct Establishes that a Truly Independent Review Process is Now Required.</p> <p>In prior submissions, we have detailed CDOT's slavish commitment to advancing the G Alternative because it is the only present alternative that connects to the Bridge to Nowhere. Most recently, in our August 27, 2012 submission we presented the expert reports of six independent engineering firms, each of which concludes that CDOT has engaged in a fundamentally flawed and unlawful process to develop the G Alternative to connect to the Bridge, to the exclusion of all other alternatives.² See e.g. Tab A, the Report of Garth Dull, former Director of the Nevada Department of Transportation.</p> <p>¹ We understand that CDOT has appointed a Peer Review Committee with respect to at least one other project and that DOTs in other states also have adopted this safeguard when circumstances so warranted.</p> <p>² A seventh supporting independent engineering report, that of Trautner Geotech, is attached to the Webb November 28, 2011 submission.</p> <p style="text-align: center;">DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS TRIOY ANN ARBOR LANSING GRAND RAPIDS</p>			

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DICKINSON WRIGHT PLLC

In considering Region 5's proposal for an independent review of the R5 Alternative submitted by the Webbs, the salient aspects of CDOT and FHWA's prior misconduct bear reiteration.

On November 6, 2006, CDOT and FHWA closed the original administrative proceedings and established with finality that the G Alternative, which bisects Webb Ranch, is their preferred alternative.³ CDOT also designed the Bridge, with two major spans for US 550 over US 160 and associated ramps and lesser bridges, to serve as the gateway, or launch pad, for G.

Nearly two years later, on September 4, 2008, CDOT and FHWA reopened the administrative proceedings. The agencies did so because -- in a process initiated by CDOT and not the owners of Webb Ranch -- in January, 2008 the State of Colorado had determined that the entirety of Webb Ranch on top of the Florida Mesa (approximately 515 acres) is eligible for listing on the National Register of Historic Places. Based upon the State's independent determination, made without the knowledge of or input from the landowners, Webb Ranch on top of the mesa is fully protected by Section 4(f).

But the train already had left the station, with Region 5 at the throttle of the locomotive. Four months before reopening the administrative proceedings, on May 13, 2008, CDOT authorized commencement of construction of the Bridge, starting with Ramp A, through four acres of Webb Ranch at the base of Farmington Hill, and actual construction began in June.⁴ By commencing construction of the Bridge, CDOT boxed itself in -- CDOT Region 5 concluded that to justify the Bridge it must construct G -- precisely because, and only because, G is the only present alternative that connects to the Bridge.

On July 29, 2008, the owners of Webb Ranch made a detailed submission challenging Alternative G as a violation of Section 4(f). On August 5, 2008, the Webbs made a supplemental submission demanding that CDOT cease and desist construction of the Bridge. On August 7, 2008, the Advisory Council on Historic Preservation announced that it would intervene in the

³ CDOT established G as its preferred alternative as early as 1999; and the November 6, 2006 ROD conclusively finalized that determination.

⁴ CDOT lied to the owners of Webb Ranch and to the public by calling that project the "Fourth Lane" project to "improve" US 160, when all along CDOT and FHWA knew that it was constructing Ramp A to the Bridge which it intended to connect to the G Alternative through Webb Ranch.

This was not the first time CDOT had dissembled concerning this project. For example, in 2007 CDOT redesigned the G Alternative to avoid a gas well on Webb Ranch which CDOT had discovered on Google Earth. CDOT publically explained that the redesign was necessary because the Webbs recently had constructed the gas well in a deliberate effort to block G. The Webbs responded by explaining that the gas well had been there all along (supported by a property survey) and that CDOT had missed it during several site surveys on Webb Ranch. Internal CDOT email indicates that CDOT then investigated its reckless assertion and concluded that it had made that mistake; but CDOT did not publically retract the false assertion of deliberate blocking nor did it apologize to the Webbs for that false accusation.

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administrative proceedings in an effort to resolve the adverse effects to historic properties, including Webb Ranch.

CDOT and FHWA's internal email from that time reflects grave concern that they had commenced construction of the \$50 million Bridge to Nowhere, designed specifically to connect to the G Alternative through Webb Ranch, without first conducting the required Section 4(f) investigation and analysis to engage in "all possible planning" to avoid or minimize harm to Webb Ranch. CDOT attempted to rectify the problem with backfill.

By email dated August 27, 2008, FHWA's in-house counsel, Maryanne Blouin, advised FHWA and CDOT on how best to proceed in defending their decision-making against a possible lawsuit to enjoin construction of that Bridge. See, **Tab B**. We procured that email chain under the Colorado Open Records Act ("CORA").

CDOT and FHWA's emails from the Summer and Fall of 2008 stand as a testament to the predisposition, bias and "guilty minds" of those involved in the "whole scheme of planning and development in this area," to build both the Bridge and Alternative G, as laid out in detail in the March 14, 2008 email by FHWA Project Manager, Joe Duran -- authored within two months of the State's certification of Webb Ranch as an historic property. See, **Tab C**. The January, 2008 historic designation of Webb Ranch should have been a red light; but Region 5 blew through it with its collective foot on the gas pedal.

Based upon FHWA's legal advice, CDOT Region 5 prepared, and FHWA endorsed, an "independent functionality" analysis to the effect that the \$50 million Bridge would serve the public's needs even if US 550 never was connected to it. The first draft of that analysis is dated September 3, 2008. The final memorandum, dated October 30, 2008, is appended as **Tab D**. As you know, we have all the various drafts of the independent functionality analysis memorandum and the emails between Region 5 and FHWA concerning its development, as procured under CORA.

One day after Region 5 circulated the first draft of the independent functionality memo, on September 4, 2008, FHWA formally reopened the administrative proceedings.

On October 28, 2008, we submitted nine designs for alternatives that would avoid or minimize harm to Webb Ranch. Seven of those alternatives, denoted the T Alternatives, were designed for further development and construction in the existing right of way.

Region 5 retained an "independent" engineering firm from Denver, SEH Inc., to conduct a review of the T Alternatives. In a draft report submitted to Region 5 in early March 2009, SEH concluded that four of the T Alternatives would meet CDOT's "purpose and need." Starting on March 12, 2009, CDOT personnel transmitted emails to SEH demanding edits to the report to "water it down" and to eliminate SEH's conclusion that four of the T Alternatives met CDOT's

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purpose and need. As you know, we have all of those emails, also procured under CORA. See, e.g., Tab E, Region 5's edits to the SEH Report (CDOT 7084-90), email from Region 5 traffic engineer Mike McVaugh to you regarding his further editing (CDOT 6802-9). In the end, SEH never issued a final report on the T Alternatives, thus ending CDOT's first post-Bridge effort to conduct an "independent engineering review."

This is but a short summary of a long history of CDOT and FHWA misconduct, detailed in prior submissions, which in large measure was directed and perpetrated by your predecessor, Richard Reynolds. However, we are constrained to point out that for many years you served as Mr. Reynolds' project manager directly responsible for managing and supervising the construction of the "Bridge to Nowhere" and the selection of Alignment G as CDOT's preferred alignment. That fact alone precludes your participation in any putative "independent" engineering review.

Since CDOT commenced construction of the Bridge in June, 2008, nothing that CDOT Region 5 has done has been "independent." This project is predicated upon federal funding, but FHWA's Colorado failed to exercise oversight of the state agency and instead proactively collaborated in planning the "Grand Dig" through Webb Ranch, as the emails of FHWA's Joe Duran and Stephanie Popiel Gibson demonstrate.

We submit that, as a matter of both reality and perception, CDOT's Executive Director and Chief Engineer, FHWA's Chief Administrator and General Counsel, the Governor and other elected officials should not and cannot trust CDOT Region 5 or FHWA's Colorado Division. And most importantly of all, we submit that the people of Durango and LaPlata County, and other state and federal tax payers who have funded all that has taken place, and that will take place, should not and cannot trust CDOT Region 5 and FHWA's Colorado Division to conduct or supervise an independent evaluation.

On multiple occasions, to ensure true independence we have demanded that this project be taken over by another CDOT Region, or CDOT headquarters in Denver, and another FHWA division, or the national FHWA personnel in Washington, DC. Each and every time, CDOT and FHWA have ignored these demands.

On December 6, 2012, we proposed true independent supervision to Senator Udall and his General Counsel; and we will propose the same to Governor John Hickenlooper and FHWA Administrator Victor Mendez.

It is time, and probably long past time, to implement direct, Senior level, active supervision of Region 5 in this matter.

If there is to be an independent engineering review, we submit that such review must include basic safeguards and protections necessary to ensure the integrity and transparency of the

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process and its results. CDOT's proposed process simply does not do that. The following safeguards should be included:

- As part of the qualification process, only engineering firms *without* substantial ties to CDOT should be permitted to submit proposals;
- The interviews of qualified firms, and the selection of the engineering firm with which to proceed, should be conducted by CDOT and FHWA personnel not associated with Region 5 or the Colorado Division, and should include active participation of representatives of Community stakeholders (including potentially affected property owners);
- To ensure continuing independence, the engineering firm which is selected to conduct the review should not be permitted to perform bid for or perform work on the alternative that ultimately is selected;
- At the inception of the review process, Community stakeholders, including potentially affected property owners, should be permitted to make submissions directly to the independent engineering firm;
- After the transmittal of all relevant information to the independent engineering firm, CDOT Region 5 personnel should not be permitted to interact with that firm (to prevent the abuses that occurred with respect to SEH's review of the T Alternatives) and this prohibition should extend equally to FHWA, Community stakeholders and property owners;
- CDOT's Executive Director, Don Hunt, should appoint an independent Peer Review Committee to meet periodically, but not less than quarterly, with the independent engineering firm's project team to review their process, progress, support and developing work product; and
- Representatives of Community stakeholders and affected property owners should be permitted to review the independent engineering firm's proposed final report and underlying supporting analysis and to meet with its team to provide input and feedback on the same.

We submit that without these safeguards there is a substantial risk that an engineering review would constitute, in reality or perception, a sham exercise to rubber stamp the selection of the G Alternative, which would lead to federal court litigation under Section 4(f).

DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS
 TROY ANN ARBOR LANSING GRAND RAPIDS

Comments

Responses

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II. CDOT Region 5 Improperly Has Limited the Scope of the Proposed Independent Review, thus Violating the Requirement of "All Possible Planning" under Section 4(f).

CDOT Region 5 proposes to limit an independent engineering review to only the R5 Alternative. For the following reasons, this limitation is arbitrary and capricious.

A. CDOT's Unreasonable Traffic Volume Projections.

CDOT's Bridge/G Alternative would effect a dramatic overbuilding of infrastructure. The fundamental driver for the grand scope of that project is Region 5's grossly inflated 20 year traffic volume growth factor (4.1x) that is more than double the growth factor for LaPlata County as determined by the Colorado State Demographers Office (1.57x) and an independent expert (LSA) retained by LaPlata County (1.76x). In fact, the Region 5 volume projections are more than double that of CDOT's published 20-year growth factor (1.56x) for this section of highway 160. CDOT's proposed "more adaptive growth model" flies in the face of the standards adopted by FHWA and four industry associations. *See*, Report of Aldridge Transportation Consultants, Exhibit 3 to the Webb August 27, 2012 Submission, p. 14, ¶ 50. *See also*, Report of Krager and Associates, Exhibit 2 to the Webb November 28, 2011 Submission, pp. 2-3; Second Report of Krager & Associates, Exhibit 6 to the Webb August 27, 2012 Submission, pp. 1-2.

Because the scope of CDOT's preferred project is predicated upon its population, traffic volume and capacity projections, those projections should be independently analyzed for reasonableness. To exclude those projections from an independent engineering review would be arbitrary and capricious.

B. The R2 and R4 Alternatives.

In the December 6, 2012 letter, you contend that: (1) Region 5 ruled out R1-4 because they do not meet purpose and need; and (2) our August 27, 2012 submittal package only challenged the methodology which CDOT used. Both statements are categorically false.

Our August 27, 2012 submission notes that Region 5 has conceded that R2 and R4 meet every aspect of "purpose and need" with respect to Access Control, Capacity, Cost, and Construction Logistics. *See*, Submission, pp. 5-6 and the citations there to CDOT's record.

CDOT Region 5 challenged R2 and R4 solely on the basis of one page of text regarding "safety" concerns, authored by a CDOT engineer who was and is an integral part of the Bridge/G Alternative design team and, therefore, operates under manifest conflict of interest.

According to nine professional engineers from seven independent engineering firms with more than 225 years of collective highway design experience, as expressed in reports totaling more than 200 pages of text, schedules, and design drawings:

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- In every respect, R2, 4 and 5, meet or exceed the criterion and standards of the controlling American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Streets and Highways (a/k/a the "Green Book"), The CDOT Design Guide and the CDOT M&S Standards.
- the one page of safety concerns raised by Region 5 in-house CDOT engineer Ed Archuletta, the sole basis upon which Region 5 excluded R2 and R4, are trivial and easily resolved through planning and engineering typical of construction plan designs;
- R2, 4 and 5 present no insurmountable safety issues;
- R2, 4 and 5 meet CDOT's purpose and need;
- R2, 4 and 5 are prudent and feasible alternatives to G;
- Region 5 has failed to engage in all possible planning to minimize harm to Section 4(f) properties; and
- R2, 4 and 5, are the only alternatives that minimize harm to Section 4(f) properties.

As set forth in those seven independent engineering reports, our challenge is not predicated upon methodology. It is based upon the application of engineering standards and practices that govern CDOT and all highway design engineers.

CDOT has not responded to the depth and breadth of the opinions of these seven independent engineering firms, nor can it do so. Region 5 simply hides behind the talismanic invocation of "fails to meet purpose and need" without stating precisely how or why – which amounts to more dissembling. And yet CDOT proposes to "screen out" R2 and R4 from any further study or consideration.

Whether R2 and 4 meet "purpose and need" as to safety should be the subject of further independent engineering review, precisely because Region 5 has failed to address, let alone refute, the well supported opinions of the seven independent engineering firms retained by the Webbs.

There simply is no basis to segregate R2 and R4 from R5 – R5 is an evolved variation of the two earlier designs. R2 and R4 should be advanced with R5.

To exclude R2 and R4 from an independent engineering review would be arbitrary and capricious.

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C. The G Alternative

In the August 27, 2012 submission, based upon the engineering reports, we have pointed out that CDOT Region 5 has not subjected the G Alternative to the same exacting analysis which it has applied to the R Alternatives and the T Alternatives as submitted by the Webbs. But more fundamentally, the independent engineering firms which we have retained emphasize the point that in evaluating G Region 5 has applied a "problem solving" approach but with respect to R instead has applied "rigid fault finding" approach. The experts further submit that the reason for the dichotomy is that Region 5 has proceeded with a "hidden agenda that favors connecting to the recently constructed Grandview Interchange."

In your December 6, 2012 letter, you indicate that the R5 preliminary design is "incomplete" and that the independent engineering firm will complete that design. But it is beyond engineering challenge or purview that the R2, 4 and 5 preliminary design drawings are developed far beyond the level to which Region 5 thus far has designed G. Moreover, inexplicably CDOT continues to operate under a complete failure to apprehend that it is CDOT's immutable legal obligation to engage in all possible planning -- it is not incumbent upon the adversely affected land owner to do CDOT's work for it.⁵

Region 5 recently conceded that G will require the construction of five more bridges -- an additional major span over US 160 and two spans each over a gorge and a ravine on Webb Ranch, which Region 5 has not designed. Region 5 has not yet fully designed the 800 foot wide trench it proposes to excavate through Webb ranch with the removal 1.6 million cubic yards of earth (700,000 double belly dump truck loads). It has not yet fully designed the highway profiles and cross sections for G. It has not yet designed the intersection of US 550 and County Road 220. And Region 5 does not have reliable cost estimates for any of these elements.

If there is to be an engineering and Section 4(f) harm comparison of R2, 4 and 5 to G, it should be on an apples-to-apples basis. Given the infancy of CDOT's concept design for G, this simply is not possible. To exclude G from an independent engineering review would be arbitrary and capricious.⁶

⁵ CDOT perversely attempts to use our diligence in designing alternatives to its advantage by claiming that our R5 submission is "incomplete" while its preferred G Alignment remains a conceptual drawing that allows for the maximum amount of latitude to revise as to cost and design. As a result, the public continues to be misled.

⁶ CDOT's recent public relations campaign consisting of its interview with the *Durango Herald* and its December 2012 Newsletter demonstrates that if unchecked or unless unchecked CDOT will continue to mislead the public by using its "double standard" approach in comparing the R alignments with its preferred G. The political goal of its campaign is simple: Hide CDOT's failures and blame the Webbs for additional cost and delay.

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D. New Alternatives or New Variations of Existing Alternatives

The administrative proceedings remain open. CDOT must comply with its legal obligation to engage in all possible planning to avoid or minimize harm to historic properties, including the development of new alternatives or new variations of existing alternatives.

During our meeting with Alex Harman, we expressed the obvious: the \$50 million Bridge is the 800 pound gorilla in the room. We also expressed confidence that that the prudent and feasible R Alternatives could be further developed to connect to the Bridge.

Upon our return from our visit with Senator Udall and Mr. Harman, we asked two of our independent experts to consider a connection between R and the Bridge. Within a matter of days, our experts developed three conceptual alternatives, which we include at **Tab F**. Two of these concepts eliminate R's new bridge over US 160 near the present US 160/550 intersection, which would reduce the cost of the R Alternatives by \$27 million.

This initial planning work confirms and reinforces our firm belief that there exists a prudent and feasible alternative to Revised G Modified that will meet CDOT's Purpose and Need for the project. We also are convinced that minimizing harm to Webb Ranch by more closely following the edge of the mesa and connecting to the Grandview Interchange are not necessarily mutually exclusive characteristics in an alignment. If this process is truly an exercise in exploring all possible planning to avoid or minimize harm Section 4(f) properties, we are confident that the selected independent engineering firm will offer alternatives that make a genuine effort to satisfy both public a private interests.

We are confident that those with a greater sense of duty will do the right thing.

CONCLUSION

Much has changed since Richard Reynolds embarked upon the frolic and detour of a major superhighway project to transform the Durango community into Colorado Springs or Pueblo. We now live in a different time and place, and in a vastly different economic reality. Elected officials and bureaucrats have come and gone; and, sadly, far too many taxpayer dollars have been spent.

There is an old adage: "when you are digging a hole for yourself, stop digging." Region 5, in concert with the FHWA Colorado Division, intends to keep digging. With application of relentless Cartesian logic, they certainly will find some expert over whom they have influence and whom they cajole or bully into rejecting a prudent and feasible in-the-right-of-way alignment. Region 5 did exactly that with the T Alignments.

Likewise, Region 5 never will voluntarily place the G Alignment under the spotlight of

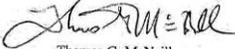
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Response to Comment 66

E. The RGM6 Alternative, which is the Selected Alternative, has been refined from Revised G Modified to include an alignment shift that more closely follows the edge of the mesa.

Comments

Responses

Source:	Letter	Name:	Webb (Thomas McNeill)
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<p style="text-align: right;">DICKINSON WRIGHT PLLC</p> <p>Kerrie Neet December 18, 2012 Page 11</p> <p>reality because they know that G cannot withstand independent engineering, costing or legal scrutiny.</p> <p>Region 5 carefully has orchestrated this pageant. It is not right. Those receiving this letter will know that this planned process does not pass the "smell" test.</p> <p>It is time for intervention from above CDOT Region 5 and FHWA Colorado Division. If we collaborate, if we implement best ideas and if we apply best practices, we can and will find an innovative solution that does the job for generations to come on a cost-effective basis. Give the public that chance.</p> <p style="text-align: center;">Very truly yours,  Thomas G. McNeill</p> <p>TGM:srb</p> <p>cc: Don Hunt, Executive Director, CDOT Timothy Harris, Chief Engineer, CDOT John Cater, Administrator, FHWA Colorado Division Fred Wagner, Esq., General Counsel, FHWA Alex Harman, Esq., General Counsel, Office of US Senator Mark Udall Douglas Young, Esq., Senior Policy Advisor, Office of the Governor of Colorado Eric Meyer, Esq., Office of the Colorado Attorney general Carol Legard, Advisory Council on Historic Preservation Alan Mintz, Esq.</p> <p style="text-align: center;">DETROIT NASHVILLE WASHINGTON, D.C. TORONTO PHOENIX LAS VEGAS TROY ANN ARBOR LANSING GRAND RAPIDS</p>			

Comments

Responses

Source:	E-mail	Name:	Weidman, John S
Document Number:	Comment 67	City, Zip Code:	Durango, CO 81301

From: John Weidman [mailto:nicaman4@yahoo.com]
 Sent: Saturday, August 25, 2012 5:39 AM
 To: Hunt, Don
 Cc: Federal Highways Commission; Shanks, Nancy
 Subject: Highway 550 - 160 interchange

To Whom it may concern:
 I feel that the construction of the Grandview Intersection and especially the Bridge to No Where was extravagant and irresponsible.

We do not want, or need, these sorts of Denver sized highways in Southwest Colorado.

Maintaining our rural landscapes and Open Space is more important to us than maintaining speeds of 60 - 70 mph from New Mexico to Hwy 160. (below Farmington Hill.)

The Webb Family has hired a number of engineers and highways experts to design a safe and viable connection between Hwy 550 and Hwy 160 and has repeatedly attempted to work out a viable and safe realignment with CDOT. I encourage CDOT to work with the Webbs to create a highway design in the current alignment instead of cutting across the Webb Ranch to connect with the Grandview intersection. .

I want you to spend our tax dollars repairing the many highways in Colorado that are in disrepair and dangerous instead of building an extravagant, destructive and unnecessary HWY 550 across the Webb Ranch.

Signed: John S. Weidman, Durango, Colorado
 Zip code: 81301

Response to Comment 67

Please see the responses to Comment 1 and Comment 2 for additional information about alternatives considered, the need for the project, and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Wise, Jeff
Document Number:	Comment 68	City, Zip Code:	Durango Co

From: Jeff and Susan Wise [mailto:wiseup@2xwise.com]
 Sent: Sunday, August 12, 2012 10:10 PM
 To: Shanks, Nancy
 Subject: Durango Colorado Farmington Hill Project

Dear Ms. Shanks,

I cannot understand how the bridge and highway alignment complex at the intersection of Highway 160 and US 550 was ever approved and now you want to spend even more money? I have serious reservations about any of this and absolutely want more meetings to explain the options to the public. Do not proceed with this project until we get a better look at it. The "Bridges to Nowhere" are a huge joke around here and a huge black eye for CDOT.

sincerely,

Jeff Wise Durango Co

Response to Comment 68

The bridge and highway alignment complex at the intersection of Highway 160 and US 550 was approved in the 2006 US 160 Record of Decision. The cost for the connection that is currently the subject of this Supplemental NEPA process was included in the cost that was approved at that time. Numerous public meetings were held as the 2006 US 160 EIS was being prepared. The 2011 SDEIS, 2012 SFEIS, and reevaluation process included distribution of newsletters, stakeholder meetings and a public hearing which was held in November 2011. An additional informal public open house was held on December 1, 2014.

Please also see the responses to Comment 1 and Comment 2 for additional information about alternatives considered, the need for the project, and the recent collaborative effort with representatives of the Webb Ranch.

Comments

Responses

Source:	E-mail	Name:	Wise, Jeff and Susan
Document Number:	Comment 69	City, Zip Code:	Durango CO

Response to Comment 69

From: Jeff and Susan Wise [mailto:wiseup@2xwise.com]
 Sent: Saturday, August 25, 2012 3:20 PM
 To: Hunt, Don
 Subject: Durango's highway horrendo

Dear Mr. Hunt,

The only thing more absurd than the initial design and construction of this ridiculous collection of bridges would be to throw even more money away trying to turn it into something useful. Name it after the clown who designed it and turn it into a kickass skateboard park because that's all it will ever be good for. A couple months ago my wife and I took the exit there just to see where it went, as you know the answer is absolutely nowhere. Here's where it should go, AWAY!

sincerely

Jeff and Susan Wise

Durango Co.

Future traffic growth from the Three Springs development and the surrounding area provide acceptable justification for the Grandview interchange as it is currently configured. Present and future traffic volumes for access to the north and south of US 160 will be needed for development in the Grandview Area. Currently south of US 160 there are 68 homes and over 78,000 square feet of commercial development, to the north of US 160 there is the Mercy Regional Hospital, C&J Gravel, homes along High Lama Lane, and the planned use development of Three Springs phases I and II. The combination of traffic from the existing uses and the traffic generation of the development to the north of US 160 will require a grade separated interchange to provide safe access to US 160. Three Springs Boulevard is currently the only access from US 160 to the Three Springs development. This access can only accommodate traffic generation from phase I of this development. The interchange will alleviate growing traffic pressure from Three Springs by providing a secondary access to accommodate traffic from phase II and beyond. The interchange's independent utility evaluated the need for the interchange with the assumption that no traffic from US 550 would use the interchange. Even without US 550 the interchange is still needed due to continued growth in the Grandview Area.

Please also see the response to Comment 2 about the need for the project.

Attachment 1.
US 160 at US 550 Traffic Reports Technical Review
(Fehr & Peers, April 2014)



US 160 at US 550 SEIS – Traffic Reports Technical Review

TECHNICAL MEMORANDUM

To: Michael D. McVaugh

Date: June 11, 2014

From: Lynn Jacobs, P.E. PTOE

Kyle Cook, P.E.

Subject: Webb Comments: Future Volume Forecasting

DN12-0359

Fehr & Peers has reviewed the comments provided by Webb Ranch to CDOT pertaining to future traffic volume assumptions used in development of the US 160 at US 550 SEIS. Two documents were provided to Fehr & Peers from CDOT for this review:

1. A letter from Dickinson Wright PLLC dated November 28, 2011:
 - a. Pages 8-10
 - b. Attached letter from Krager and Associates dated November 26, 2011.
2. A letter from Dickinson Wright PLLC dated August 27, 2012:
 - a. Pages 6-7
 - b. Exhibit 3 (letter from Aldridge Transportation Consultants, LLC dated August 25, 2012. Pages 13-14, 17).
 - c. Exhibit 6 (letter from Krager and Associates dated August 26, 2012).

Upon review of these comments, Fehr & Peers recommends:

1. That the SEIS methodology is acceptable for determining lane configurations on this project.
2. That the TRIP 2030 model be updated to a more recent data set and revalidated in coordination with Durango City, LaPlata County and CDOT staff so that it can be used on future studies in Durango.

Webb Comments

The comments contained within these documents can be summarized into the following statements:

From November 28, 2011:

- CDOT traffic projections for year 2030 (4.1 growth factor) are more than double projections prepared by the State Demographer and LaPlata County and the City of Durango

- The Colorado State Demographers Office calculated a population growth projections for LaPlata County of 1.57
- CDOT traffic projections did not take into account the “2030 Transportation Integrated Plan” prepared by LSA for LaPlata County and the City of Durango in 2006, which identified a growth factor of 1.76 for LaPlata County and 1.93 for Durango
- The methodology used for generating the 2030 volumes in the SEIS (applying background growth and adding site-specific trips from the Grandview Area development) results in inflated traffic volumes
- Based on the County/City-wide growth factors from the State Demographer and the 2030 Transportation Integrated Plan, the resulting ADT on State Highway 160 East of SH 550 would be calculated to be 37,830 – 45,240 vehicles per day (vpd) compared to 85,900 vpd as reported by the SEIS

From August 27, 2012:

- This letter included re-iteration of the above points as well as identifying that LaPlata and Durango City had gone through a process to develop a travel demand forecasting model (TRIP 2030) that should have been used in place of the SEIS methodology (background growth plus site-specific traffic).

Discussion

SEIS Methodology

The methodology used to develop the 2030 forecasts for the SEIS was based on the concept of applying a background growth rate to current (2001) traffic counts, and then adding in site-specific trips as calculated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual* to account for site-specific trips that would be expected to use US-160 to access downtown Durango. This methodology is further described in Figure 1 below.

Figure 1. SEIS methodology



This approach is commonly used by transportation professionals to project traffic volumes for a Traffic Impact Study prepared for a new development. The ITE *Trip Generation Handbook, 2th Edition*, pg. 1 states that:

*“Traffic Engineers use trip generation data to estimate future traffic volumes upon which **off-site transportation improvements** are based.”*

As shown, ITE claims that trip generation data can be used to determine what level of off-site improvements are needed to support future growth and development along US-160. However, this should be viewed as a methodology of last resort in lieu of more robust approaches (such as development of a travel demand forecasting model as described further below) for preparation of environmental studies. In the case of the US 160 / US 550 SEIS, the travel demand model wasn't developed until 2006 and the analysis for the study was already underway. Subsequent analysis was likely completed using the original methodology for consistency. Additionally, the travel demand model was developed without direct CDOT involvement.

The resulting analysis produced by the SEIS, while not necessarily incorrect, is less than ideal for planning of such an important corridor. The SEIS approach could overstate traffic volume for the following reasons:

- 1) As identified in the Webb Ranch comments, if the full development isn't realized within the identified horizon year, then the projected traffic volumes would be higher than reality.
- 2) ITE rates reflect a wide variety of data that may not accurately represent the local area. The ITE Handbook itself suggests that local rates should be developed, and would better represent the expected demand from these sites.
- 3) ITE rates also typically have a large standard deviation, resulting in a lower confidence in the results.
- 4) Adding background growth AND the project development may also be "double counting" trips as some of the expected background growth should be a result of the future development.
- 5) The ITE Internal Capture calculation as presented in *Trip Generation Handbook*, 2nd Edition was applied to the development trips. This approach often understates the amount of internal capture within a mixed use development. In response to the limitations in the ITE methodology, and to provide a straightforward and empirically validated method of estimating vehicle trip generation at mixed-use developments, the U.S. Environmental Protection Agency (EPA) sponsored a national study of the trip generation characteristics of multi-use sites. Travel survey data was gathered from 239 mixed-use developments (MXDs) in six major metropolitan regions, and correlated with the characteristics of the sites and their surroundings. At the validation sites of the MXD study, it was found that the ITE rate overestimated trip generation by 35% when compared to actual counts. As a comparison, the MXD methodology overestimated trip generation by only 3%, which is an adequate safety factor. This MXD approach to calculating internalization would have been more accurate than the ITE method.

Applying City or County Growth Factors to US-160

The Webb Comments propose applying the City-wide or County-wide growth factors to US-160 as projected by the State Demographer or the City/County plans. This approach provides some indication of potential traffic growth, but does not account for all the factors influencing traffic

volumes especially along individual corridors. Traffic volume growth on US-160 will likely be higher than the average for the City or County. US-160 is the only corridor connecting the Grandview Area and points east with downtown Durango. Since the Grandview Area has been identified by the City as a high-growth area, traffic growth on US-160 is expected to exceed the average population increase in the City and County. Using an approach to apply the city-wide growth factor to traffic on US-160 would likely understate the severity of traffic on the facility in the future.

Under the methodology proposed in the Webb comments, the daily traffic volume on US-160 west of the US-550 intersection would be 37,830 – 45,240 vehicles per day in 2030. However, traffic data reported by CDOT's website for June 7, 2012 shows that the daily volume was already 38,082 vehicles per day, exceeding the lower 2030 projection. This illustrates that the methodology of applying the City or County growth to US-160 would likely understate the 2030 traffic volumes on the corridor.

Applying the “2030 TRIP” Travel Demand Forecasting Model to US-160

A regional travel model was developed in 2006 to support the La Plata County/City of Durango 2030 Transportation Integrated Plan (“2030 TRIP”). In general travel models are intended to support planning and analysis of major transportation investments and it has been argued that this travel demand model should have been utilized to estimate 2030 travel demand and resulting vehicle volumes on the US-160 corridor. Clearly the 2030 TRIP travel model was not used during the EIS and SEIS, and the explanation is not entirely clear. Given the fact that the model was developed in 2006, it is presumed that the technical evaluation was already well underway and unable to significantly alter methodology given the intended project schedule.

The questions at hand are: 1) what forecast would the 2030 TRIP produce, and 2) how does that compare to those estimates from the SEIS? To address these questions, Fehr & Peers obtained the model files¹ and documentation from LSA Associates (the model developer). It should be noted that Fehr & Peers was unable to conduct an evaluation of the travel model per standard practice² due to time and scope constraints. Lacking an evaluation of land use assumptions, verification of static validation, or dynamic testing, Fehr & Peers is unable to declare the model appropriate for forecasting travel demand on the US-160 corridor. However, to provide some response to the aforementioned questions, in light of these caveats, we can say that the 2030 TRIP model suggests that daily summer traffic volumes on US 160 west of the Grandview interchange will be approximately 76,000 vehicles in 2030.

¹ The 2030 TRIP model reviewed herein was updated in 2013 by LSA Associates to analyze Wilson Gulch Drive. Compared to the original 2006 version, this version of the 2030 TRIP travel model reflects a more up-to-date assessment of 2030 roadway and land use characteristics in the Grandview and Durango area.

² Applicable guidance includes *Interim Guidance on the Application of Travel and Land Use Forecasting in NEPA* (FHWA, 2010), and *Travel Model Validation and Reasonability Checking Manual 2nd Edition* (FHWA, 2010).

Trip assignment in the travel model is sensitive to travel time, which is influenced by traffic congestion. Fehr & Peers performed a model test in which this congestion feedback mechanism was removed and trips were assigned to the roadway network independent of the impedance due to congestion. This model projected a total of 91,000 vehicles on this same segment of US-160 under those conditions. Based on this information, we can conclude the following from the model results.

1. The model's estimate of travel demand between Grandview and Durango is similar to the estimates developed in SEIS analysis. This finding alone is not an endorsement of the SEIS forecasts since the reasonableness of the model's socioeconomic inputs was not reviewed but it is an independent forecast that provides a meaningful check, which did not reveal any significant differences that warrant further review; and,
2. The model's response to the sensitivity test of removing capacity constraints revealed that demand increased on US 160 between Durango and Grandview interchange. This result confirms that the model responds in the correct direction given the input change and the magnitude of the change appears reasonable (i.e., about a 16 percent increase in demand).

Conclusions/Recommendations

Projecting travel demand volumes in the future is anything but an exact science. The FHWA document *Interim Guidance on the Application of Travel and Land Use Forecasting in NEPA* (2010) states that:

"Forecasting is not a heavily legislated or regulated area of science, and is thus mainly driven by professional practice. This situation makes assessments of standards of practice difficult, and results in a large variation in practice and experience among transportation and resource agencies and consultants."

Through a literature review conducted as part of preparation of this memorandum, Fehr & Peers was unable to identify any standards or recommendations that preclude the use of the SEIS methodology in this application. However, there is a great deal of documentation and recommendations for the use of travel demand models to fulfill the requirements of NEPA analysis. Given our experience, the use of the ITE Trip Generation rates to develop future traffic volumes for an environmental study is not common practice and as stated above likely overstates the potential for future traffic growth on the study network.

Given the lack of certainty in future growth trends, it is often best to try to understand future traffic impacts in terms of "ranges" of possibilities. While the SEIS approach to estimating future traffic volumes on US-160 (background growth plus site-specific trip generation) may be overstating growth on this roadway, applying a city or county average growth factor would likely understate future growth (as demonstrated by traffic counts in 2012). This could represent the

two outer boundaries of what the future travel patterns on US-160 would be. The 2030 TRIP model suggests that volumes on this roadway will likely be in about the middle of the two projections given capacity constraints. However, it also suggests that the unconstrained demand between Durango and the Grandview area on US-160 could be higher, similar to the results of the SEIS methodology

Attachment 2.
Letter from Thomas G. McNeill (August 27, 2012)

Transmitted by hand delivery to Ms. Neet;
and to both recipients via email with
professional courtesy bound hard copies
sent via Federal Express

August 27, 2012

Kerrie Neet
Director, Region 5
Colorado Department of Transportation
3803 North Main St., Ste. 306
Durango, CO 81301

John M. Cater
Division Administrator
Colorado Division - FHWA
12300 West Dakota Avenue, Ste. 180
Lakewood, CO 80228

Re: Webb Comments Submitted with Respect to Supplemental Final
Environmental Impact Statement/Section 4(f) Evaluation (as Revised,
Restated and Reissued).

Dear Ms. Neet and Mr. Cater:

Before us is the last administrative opportunity for FHWA and CDOT to comply with their legal responsibilities under the law. This submission calls for an immediate and independent intervention prior to the closing of the administrative record to redress a continuing wrong that has wasted millions of taxpayer dollars and violated the public trust.

In the Supplemental Final EIS ("SFEIS"), CDOT ruled out the R Alternatives ("R") we submitted on November 28, 2011, without advancement for further study. As discussed below, it is evident that CDOT embraced a rigid fault finding approach with manifest, but ultimately unsuccessful, effort to "poke holes" in the design efficacy of R. CDOT has conceded that R passes each and every "level one screening" test for advancement for further study and development; except CDOT talismanically invokes the "safety" bugaboo.

For that, CDOT relies solely upon a letter from its in-house engineer, Ed Archuleta, to Stephanie Gibson (FHWA), dated May 21, 2012. *See*, Exhibit 1. As to the safety of R, the text of the SFEIS and the Comments in Appendix A (pp. 2-18 and 171-192) cite only to information

Kerrie Neet
 John M. Cater
 August 27, 2012
 Page 2

in the Archuleta letter. *In point of fact, the Archuleta Letter contains roughly one page of text concerning four safety topics. See, Exhibit 1, pp. 3-4.*

Each of Mr. Archuleta's four safety objections are minor technical design issues that can be eliminated with relative ease -- so much so that these details, and others like them, normally are addressed during the construction plan development phase. *Except here, CDOT artificially, and falsely, inflated the importance of those issues to prevent the advancement of R to the construction design development phase.*

In response, we have submitted the reports and opinions of six independent engineering firms that conclusively establish the safety concerns articulated by Mr. Archuleta are entirely without merit as a basis for "screening out" an alternative. We have submitted reports from:

Trar sportation, Inc., Carson City, Nevada¹

Aldridge Transportation Consultants, LLC, Highlands Ranch, Colorado

TiG Transportation Infrastructure Group, Pleasanton, California

Dobie Engineering, Inc., Boise, Idaho²

Krager and Associates, Denver, Colorado

Russell Engineering and Planning (RPE), Durango, Colorado

See, Exhibits 2-7

The eight professional engineers from these six firms combine for more than 200 years of experience in highway design and safety and their supporting technical analysis, evaluation and opinions span more than 70 pages. These six reports constitute an irrefutable testament to the safety of the R Alternatives.³

¹ The TI report is authored by Garth Dull, P.E., a former Director, Deputy Director and design engineer for the Nevada Department of Transportation.

² The Dobie Engineering Report is authored by Patrick Dobie, P.E. (in three states and renewal pending in Colorado), a former County Engineer for Pitkin County, Colorado, and the former manager of the Aspen office of an Engineering News-Record Top 250 engineering and architectural consulting firm.

³ In this letter, we summarize the salient opinions, and support, contained in the six expert reports. This letter is not, however, intended as an exhaustive exposition. We note that in SFEIS Appendix A, CDOT proffered annotated comments to our November 28, 2011 letter, but not to the expert reports of Russell Planning and Engineering, Krager and Associates or Trautner Geotech attached to it. As to this letter, we commend to FHWA

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Despite this great weight of evidence validating the R Alternatives, and conclusively refuting the Archuleta objections, we requested RPE to undertake additional planning and development of R -- because CDOT failed in *its* legal obligation to do so. In one week, RPE produced a preliminary design for another variation, R5, which addresses each of CDOT's safety concerns as to R1-4. See, Exhibit 7 and the associated preliminary conceptual design drawings and support.

The professional engineering reports submitted herewith also have evaluated R5 and unanimously conclude that R5 meets and exceeds CDOT's purpose and need, and that R5 is another prudent and feasible R variation which meets the mandate of Section 4(f) to minimize harm to Section 4(f) protected properties.

Against the tremendous weight of this evidence, and the engineering experience and excellence that supports it, CDOT clings desperately to the reed of the one page of text authored by the in-house engineer who integrally was involved in the design and construction of the \$50 million Grandview Interchange (the Bridge) and the G Alternative for US 550 which is designed to connect to that Bridge.

Just this short summary of what follows begs this question: How could CDOT get it so wrong? Answer: the Bridge. CDOT is absolutely and fully committed to selecting G because it is the only US 550 alternative that connects to the Bridge, which CDOT prematurely, improperly and unlawfully constructed.

Since as early as 1999 (and likely before), CDOT has endorsed and unwaveringly advanced the G Alternative. But in early 2008, when CDOT and FHWA authorized and commenced construction of the Bridge, CDOT became irrevocably committed to G to complete the project -- "the whole scheme of planning and development" for the "Grand Dig" project through Webb Ranch, as an FHWA engineer wrote in a March 14, 2008. Exhibit 8.⁴ This is borne out by the course of events that followed, as preserved in a multitude of CDOT and FHWA email we have secured.

In making this commitment to G, CDOT disregarded and breached its obligation under

and CDOT a full reading of the attached expert reports. In this letter, for example, we do not comment on the expert opinions concerning construction logistics, that CDOT performed accident analysis for G, F and the No Action alternatives but not as to R (which we anticipate will receive a rate equal to or higher than G), the propensity of the G bridges to ice (and CDOT's anticipation of that fact by incorporating new de-icing technology), the likelihood on G of a higher number of accidents involving wildlife and the greater severity of such accidents, and other matters of import.

⁴ Joe Duran prepared and transmitted this email two and a half months *after* CDOT had determined that Webb Ranch was NRHP-eligible and thus subject to the protections of Section 4(f).

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Section 4(f) to minimize harm to Webb Ranch (and other protected properties), and its duty to engage in all possible planning to ensure the protections afforded under federal law.

In this regard, in his report Garth Dull, the former Director of the Nevada Department of Transportation, has concluded:

From January 4, 2008⁵ to this point, the entire SEIS and Section 4(f) evaluation process has been irrevocably tainted by the complicity of CDOT and FHWA in advancing G to connect to the Bridge; however, No Record of Decision has been issued. It is not too late to correct the violations of law that have occurred.

In my professional opinion, the entire SEIS process should be recommenced. A new independent team from another CDOT Region and another FHWA division should step in and engage in all possible planning to minimize the harm to Webb Ranch and other 4(f) properties in the vicinity.

It is also my opinion that appropriate authorities should investigate what has occurred, to hold fully accountable those who engaged in violations of the law, wrongful conduct, improper expenditures of considerable state and federal money and resources and ultimately a fundamental violation of the public trust.

TI Report, pp. 10-11.

I. APPLICABLE LEGAL STANDARDS

In our November 28, 2011 submission, we outlined, as we have before, the legal framework and applicable standards attendant to Section 4(f) and the regulations promulgated thereunder.

Since then, the U.S. Court of Appeals for the Tenth Circuit has decided *Prairie Band Pottawatomie Nation v. FHA*, 212 U.S. App. LEXIS 14901 (10th Cir. July 10, 2012), which provides the framework for Section 4(f) and NEPA cases in the U.S. District Court for the District of Colorado.

We also are aware of the Eleventh Circuit's recent decision in *Citizens for Smart Growth v. Sec'y. of the DOT*, 669 F.3d 1203, 1216 (11th Cir. 2012), in which the Court held that compliance with the mandate of Section 4(f)(2) to minimize harm requires "a simple balancing process which totals the harm caused by each alternate route to section 4(f) areas and selects the option which does the least harm.").

⁵ This is the date that DOT determined that Webb Ranch is NRHP eligible.

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We also are aware of the recent decision in *Coalition v. Mendez*, 2012 U.S. Dist. LEXIS 73514 (W.D. Va. May 12, 2012), which likewise is instructive.

Finally, we are aware that the FHWA recently issued the attached Section 4(f) Policy Paper (July 12, 2012) (Exhibit 9), which replaces the 2005 edition.

II. PROCEDURAL HISTORY

We have appended as Exhibit 10 a detailed timeline of material events from 1999 to present, which is supported by documents which we have submitted for entry into the administrative record. This timeline: (1) is critical to understanding CDOT's motivation and efforts to oppose any US 550 alternative that does not connect to the \$50 million Grandview Interchange which it already has constructed; (2) is material to the opinions set forth in the attached reports of six independent professional engineering firms; and (3) provides relevant context for the reader not steeped in the history of this dispute.

III. CDOT HAS ACKNOWLEDGED THAT R MEETS EACH AND EVERY SCREENING CRITERION, FACTOR OR ELEMENT -- EXCEPT "SAFETY" (AND AS TO THAT FACTOR CDOT'S ASSERTIONS ARE CLEARLY ERRONEOUS).

CDOT acknowledges that R 1-4 meet the following criteria:

Access Control. CDOT acknowledges that the R Alternatives ("R") meet purpose and need as to Access Control. SFEIS, p. 2-33, Table 2-3, Appx. A, p. 8, Common Response 5, p. 192, Comment OO;

Capacity. CDOT acknowledges that R "meets the capacity requirements for the project purpose and need."⁶ SFEIS, p. 2-27, Appx. A, p. 188, Comment HH; Archuleta, p.3

Cost. CDOT acknowledges R meets the first screening level for costs; and that costs are not a factor in determining whether R is reasonable. After reviewing cost estimates for G, F and R, CDOT states "[t]he closeness of these estimates is not a deciding factor among alternatives SFEIS, pp. 2-28, 2-33, Table 2-3, Appx. A., p. 9, Common Response 5, p. 188, Comment HH; Archuleta, p. 6.

⁶ CDOT raises concerns about access for the LaPlata County gravel pit to the north of the R interchange with US 160. *Id.*, and Appx. A, p. 7, Common Response 5. These concerns are easily addressed and CDOT's failure to do so is evidence of its failure to engage in the required "all possible planning." *See, infra*, pp. 8-9.

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Construction Logistics. CDOT acknowledges that R meets the first screening level for construction logistics. CDOT further states that “[a]voiding excavating material was not one of the controlling criteria.” CDOT does not screen out R due to geotechnical or constructability challenges. SFEIS, p. 2-27, p. 2-33, Table 2-3, Appx. A, pp. 8, 11, Common Response 5, p. 185, Comment DD; Archuleta, p. 5.

Environmental. CDOT does not screen out R on this factor. CDOT did not advance R for further study and therefore concluded: “Currently, it is unknown whether Alternative R design variations would present fewer impacts to the natural environment.” SFEIS Appx. A., p. 11, Common Response 5.

Property Impacts. Simply put: “Alternative R has fewer impacts on the Webb Ranch than Revised G Modified.” SFEIS Appx. A, p. 10, Common Response 5.⁷ *See infra*, pp. 15-16.

IV. THE R INTERCHANGE MEETS CDOT’S PURPOSE AND NEED AS TO CAPACITY, NOTWITHSTANDING CDOT’S GROSSLY INFLATED TRAFFIC PROJECTIONS.

As indicated above, based upon its own traffic analysis, CDOT acknowledges that the proposed R Interchange with US 160 meets capacity requirements for purpose and need.

CDOT, however, interjects a caveat: that the R Interchange would operate at LOS E under one hypothetical scenario. CDOT asserts that the R Interchange would impact access for the LaPlata County Gravel Pit and that CDOT “likely would have to consolidate access” by bringing a fourth leg into the interchange. Under this scenario, according to CDOT, the R Interchange would operate at LOS E, or less than capacity requirements. CDOT raises this issue in a single paragraph. Archuleta 2.

The grounds upon which this is manifest error are legion.

A. CDOT’s Traffic Projections

First, as a threshold issue, CDOT’s traffic projections are grossly inflated. We made and supported this point in our November 2011 submission (Exhibit 2 thereto, First Krager Report). Krager opined that CDOT’s projection is ***more than double*** the growth projections for LaPlata

⁷ CDOT adds that R “has more impacts to other property owners,” which is a reference to the Hillmeyer and Eagle Block/Piccoli properties. *Id.*; Archuleta 6. Here, CDOT fails to acknowledge that these properties are not NRHP eligible and do not contain other protected cultural resources. CDOT ignores that FHWA may approve “only the alternative that causes the least harm ***in light of the statute’s [4(f)] preservation purpose.***” FHWA Section 4(f) Policy Paper at p. 5, Section 3.3.3.2 (emphasis added). The Hillmeyer and Piccoli properties do not fall within Section 4(f)’s preservation purpose.

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County as calculated by the State Demographer and LSA, which was retained for that purpose by Durango and the County. *See*, First Krager Report, 2-3. CDOT thus projects a LaPlata County population of 93,000 and a traffic volume that would require a population of 230,000. *Id.* Accordingly, CDOT projects that in 2030 traffic volumes will meet or exceed those presently experienced in Colorado Springs. These points underscore the absurdity of CDOT's traffic projections.

In its response in the SFEIS, CDOT attempted to justify its use of a "more adaptive growth model" to support an annual growth factor of 4.1% -- where independent professionals, without CDOT's "hidden" agenda" (per TiG), utilized growth factors of 1.57% and 1.96%. SFEIS, Appx. A, pp. 2-3. Common Comment 1.

Krager categorically rejects CDOT's explanation. After detailing CDOT's misuse of Three Springs traffic data, Krager concludes: "In my professional opinion, CDOT's clearly erroneous traffic projections cannot be utilized in performing capacity analysis and 2030 projections for the R Alternatives and its proposed intersection with US 160 or the G." Second Krager Report, 1-2.

Aldridge provides a more pointed and lengthy rejection of CDOT's methodology as violative of industry standards:

The methodology used to develop the 2030 traffic projections for the project is inferior and unacceptable by industry standards for transportation planning and traffic engineering. The method derived the forecast volumes by a simplistic dumping of the sub-area's trip generation on top of background traffic already increased by a 20-year traffic growth factor. The methodology is inconsistent with procedures developed over four decades and endorsed by the American Planning Association (APA), FHWA, Urban Land Institute, Transportation Research Board (TRB) and the Institute of Transportation Engineers (ITE).

After explaining the details of what CDOT should have done in compliance with industry standards and best practices, Aldridge concludes:

The growth factor of 4.10 is so implausible that it could not be a product of agency expertise. Moreover, the fact that an industry standard urban travel model and procedures were not used to develop the forecasts is a not only a failure to consider important aspects of the problem but one that also failed to engage all possible planning tools.

Aldridge 14, ¶ 50.

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B. The R Interchange Meets the Stated Purpose and Need as to Capacity.

Even if CDOT's grossly inflated traffic projections are applied, the R Interchange nonetheless meets purpose and need as to capacity.

CDOT's assertion of a capacity issue is based upon analysis prepared by SEH, Inc. with reference to projections for 2030 am peak hour conditions.

This analysis constitutes a clear error of judgment. Dobie 4. Fundamentally, this work was flawed because SEH failed to consider reasonable and practical changes that would provide an adequate level of service. SEH assumed that a fourth leg would be added to an original three leg intersection design, and no adjustments would be made to the signal operation or lane geometry. This is not best practice in the traffic engineering profession. Dobie 4-5.

The actual facts establish that a fourth leg to the R intersection is highly unlikely:

1. The access road is roughly 35' to 40' higher than the proposed R overpass across US 160. Due to the difference in grade and extremely steep upper portion of the gravel pit access (12% average grade) it simply is not realistic to revise the gravel pit alignment to tie into the proposed R interchange.
2. We understand that La Plata County is dissatisfied with the current alignment and is exploring alternatives with private property owners to obtain access via the existing Grandview Interchange.
3. The La Plata County access is currently a right in/right out access and CDOT is proposing to increase their accessibility to the State Highway System to a full movement access point rather than consolidate it. Proposing a full movement access instead of the right in/right out access to the detriment of the intersection's LOS is an arbitrary and capricious decision that potentially eliminates a feasible and prudent interchange.
4. The R Interchange was proposed as a conceptual design and with additional planning easily can be modified during the final design to avoid the existing gravel pit access road. It would appear that CDOT has done just the opposite by positing that gravel pit access must be granted at the R interchange as a basis for claiming the interchange would fail the stated purpose and need of no less than LOS D. CDOT therefore appears to have designed to failure rather than design to solution.

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5. CDOT has not taken into consideration that, given current deposit levels, the County gravel pit will no longer be in operation in 2030.
6. CDOT has not taken into consideration that the County gravel pit could gain access to both US 160 and US 550 to the east, potentially at the Grandview Interchange. The topography favors that solution.

Russell 4; Aldridge 15, ¶ 52.

Even if a fourth leg were to be utilized, an acceptable level of service nonetheless could be achieved easily by minor changes to the operational design. For example, merely increasing the signal cycle length would achieve an overall LOS D with an average delay of 52 seconds. Another possibility includes changing the lane configuration from single to dual westbound left-turn lanes, which would improve the capacity to LOS D or better on all approaches with an average delay of 47 seconds. Most significantly, changing the lane configuration to add dual northbound left-turn lanes would improve the intersection capacity to LOS B with a minimal delay of only 17 seconds. This is performance that is superior to the preferred Alternative G-Modified selected by CDOT. Dobie 5.

Further, if a fourth leg were to be utilized an operations analysis of the weave section between the access and the off-ramp for SB US-550 indicates that it would operate satisfactorily at LOS C or LOS D until the access is closed. Aldridge performed that analysis using the Highway Capacity Software (HCS) for an A type weave and with the 2030 pm peak hour volumes from SEH appended report “*Alternative R Analysis*” February 7, 2012. Aldridge 15, ¶ 52-53 .

As to capacity, not only did CDOT fail to consider important aspects of the problem but it also failed to engage in “all possible planning” efforts in violation of the Section 4(f) process.

V. CDOT’S “SAFETY” CRITICISMS OF THE R1-4 ALTERNATIVES ARE ENTIRELY WITHOUT MERIT BUT NONETHELESS ARE EASILY RESOLVED.

CDOT interposes four objections to R1-4 relative to: (a) design speed, (b) speed reductions descending Farmington Hill on northbound US 550 (“speed drops”), (c) reduction of design speed due to driver sight distances, and (d) vertical grade on horizontal curves.

These criticisms constitute minor technical issues that can be addressed with relative ease. Moreover, such issues normally are addressed during construction design development and not considered threshold criteria for dismissing a viable alternative. Dobie 2-3; Aldridge 17-18, ¶ 65.

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A. Design Speed

A design speed is set to fit site-specific conditions and constraints. It should be high enough that the posted speed limit will be less than or equal to the design speed. Aldridge 7, ¶ 28.

CDOT did not establish any particular design speed as a purpose and need criterion for the realignment of US 550. TiG 5. Yet the Archuleta Letter references design speed, including a conclusory statement that “dropping the design speed to anything below 55 mph would be an unacceptable safety risk.” Archuleta, 4. If CDOT means to assert this as an empirical proposition, it is clear error.

CDOT observes that US 550 has a design speed of 70 mph from the New Mexico line to just south of CR 220, where it decreases to 60 mph. Archuleta 3.

AASHTO (p. 70) provides geometric criteria for design speeds between 15 and 80 mph. There is no magical 55 mph cutoff under AASHTO or otherwise. Dobie 7-8.

At Farmington Hill, US 550 technically is not a “freeway,” because it does not fully control access, and will not do so in the future regardless of the alternative that is constructed. TiG 6. The proper classification of US 550 at Farmington Hill is a Rural Arterial roadway in mountainous terrain. Dobie 7-8; Aldridge, 7, ¶ 27; TiG 4, ¶¶ 9-11.

The proper range of design speeds for this classification is 40 to 50 mph. *Id.* With stated design speeds of 45 mph, R 2 and 4 are clearly within the acceptable range of appropriate speeds. TiG 7; RPE 2.⁸

Importantly, each of the R Alternatives outperforms G on weighted time travel and time efficiency (less time, less gasoline, less pollution). RPE 5-7. In fact, G is *the least* efficient alternative against all other alternatives, including R alternatives with lower design speeds. *Id.* As Dobie points out: speed kills, and research shows that the severity of accidents increases as the velocity increases. Dobie 8.

Whether or not an R Alternative has a design speed of at least 55 mph is not a basis for eliminating it from further planning; and for CDOT to suggest otherwise would be clear error.

⁸ Interestingly, although not disclosed by CDOT, the computed design speed for G at Farmington Hill is actually 51 mph and the posted speed would be 50 mph. TiG 5.

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B. Transition Zones for Reducing Speed (or “Speed Drops”)

The gravamen of CDOT’s commentary on speed principally is directed to the necessary speed reduction on northbound US 550 at CR 220 from 60 mph as it descends Farmington Hill. On that point, CDOT states that reduction in design or posted speed by more than 15 mph “creates a high crash risk.” Archuleta 4, citing “FHWA 2007,” which presumably is *Mitigation Strategies for Design Exceptions*, FHWA 2007 (“FHWA *Mitigation Strategies*”). See, Exhibit 11. CDOT then posits that dropping the speed to anything below 55 mph “would be an unacceptable safety risk.” *Id.* Apparently, this is a comparison between 70 mph on US 550 south of CR 220 and the beginning of R2/4 and R1/3 north (and downhill) of CR 220, and their respective design speeds of 45 and 35 mph.⁹

A reduction in design speed within the highway’s corridor should not be more than 15 mph and ideally 10 mph according to the Green Book, pp. 69-70. If the speed drops more than 15 mph, then a speed transition zone is deployed that drops the speed in 10 mph increments. Within the transition zone, appropriate advance warning signage (Speed Reduction, W3-5, MUTCD) is a necessary addition. Flashing and variable message signs can be placed as well should conditions dictate. Aldridge 7, ¶ 28.

CDOT misinterprets FHWA *Mitigation Strategies*. At pages 26-27, that document actually addresses average running speed (85th percentile) differentials, not design speed differentials. Running speed differences, such as a slow moving truck in a high speed highway segment, clearly can pose a problem. This, however, is not the case with R. With a 5% grade (the same as G), the speed differentials are manageable, and climbing lanes are not required to achieve desired safety standards and limit unsafe speed differentials. Dobie 9; TiG, 7

In evaluating R, CDOT erroneously assumes the absence of speed transition zones. In fact further development of R provides for transition zones. RPE 3, Section 3.2. The R Alternatives will employ a combination of design elements that will signal drivers to reduce speed as a reasonable systematic response. Dobie 9; TiG 8.

According to the Aldridge Report, CDOT’s determination that the design speed reduction in the R Alternatives is unsafe is completely lacking in acceptable traffic engineering practice and principles, as a matter of course require review of reasonable mitigation options. By simply applying that Green Book, CDOT M & S, and MUTCD standards and guidelines,

⁹ CDOT thus performs bad math. CDOT notes that at CR 220 the US 550 design speed is 60 mph, so a “speed drop” to 45 mph would be permissible without a transition zone. The design speed for R2/4 is 45 mph; the design speed for R5 is 55 mph.

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CDOT properly could have determined that R presents no issue or problem relative to speed reduction. Aldridge 14-15, ¶51.

These standards and guidelines explain in plain language how the speed reduction is handled by placement of advance warning signs and speed limit signs at certain distances. In addition, guidance and options are prescribed for situations where the driver needs to be alerted to changing terrain, steep grades, sharp curves, and ice and snow conditions. *Id.*

The transition to speed reductions from 60 mph at CR 220 easily could be designed and managed to conform to all engineering and safety standards. Dobie 9; Aldridge 8, 18, ¶¶ 28, 66, 68.¹⁰ The reduction in speeds required on an R Alternative will not create significant safety risks. TiG 9.

CDOT traffic engineers are skilled in handling speed reduction zones on mountain highways throughout Colorado including deployment of Information Technology Systems (ITS) such as variable message signs that alert the driver to weather conditions, accidents, and estimated time of arrival. But CDOT did not apply this knowledge to the R Alternatives and therefore failed to engage in “all possible planning and/or engineering” with respect to managing speed reduction. *Id.*

C. Reduction of Design Speed Based Upon Sight Distances

In calculating design speeds – and as an attempt to maximize speed differential to disadvantage R -- the Archuleta Letter effects a deduction of 5 mph for the R Alternatives because its center median barrier would decrease driver sight distances. Archuleta 3.

R’s road geometry includes four travel lanes plus a fourteen foot wide center median with a concrete barrier for improve safety and decrease the severity of any accidents. The 1250 foot radius curves of R 2/4 and 45 mph design speed provide adequate distances for the two outer lanes and the inside ascending lane. Only a small portion of the descending lane in the upper curve conflicts with AASHTO sight distance recommendations. This issue easily can be remedied by moving the barrier, changing the type of barrier (such as using a “see through” barrier as CDOT used at Glenwood Canyon), widening the median, increasing the curve radii (as R5 does) or increasing the width of the median lane. All of these are simple design changes with no significant cost implication. Dobie 7; Aldridge 15-16, ¶ 54.

¹⁰ Alternative G also will require speed transition zones due to the 5% downgrade. *Id.*

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CDOT could have addressed and resolved this 5 mph deduction by undertaking reasonable additional planning and its failure to do so violates Section 4(f).

D. Vertical Grade at Horizontal Curve

The sag and crest vertical curve for the R alternatives conforms to minimum AASHTO standards to achieve an economical design. Similar to the discussion of median barrier sight distances, the vertical curve geometry is a design development stage issue that can easily be rectified, if changes are needed. This is not a threshold consideration to eliminate a feasible and practical alternative. If CDOT desires longer vertical curves to offset any conflict with the horizontal geometry, such changes easily could be made without any significant project cost increase or redesign. All curve geometry issues can be mitigated, no variances are required. Dobie 9.

CDOT could have addressed and resolved this “issue” by undertaking reasonable additional planning.

E. Conclusion

Based upon their review of the record, each independent professional engineer has concluded that CDOT failed to engage in all possible planning, but instead effectively attempted to torpedo R1-4. *See, e.g.*, Aldridge 18-19, ¶¶ 69, 71.

According to TiG, “CDOT clearly has not engaged in all planning to refine or enhance Alternative R, which imposes the least harm to 4(f) properties including the Webb Ranch.” TiG 1, 14.

Dobie: “In my professional opinion R-Alt 2, 4 and 5, in their present preliminary conceptual design phase, meet the stated purpose and need of the project and easily can be enhanced to address each and every “safety” and “capacity” concern or criticism levied by CDOT. It is my professional opinion that CDOT did not, and has not, engaged in all possible planning to mitigate R-Alt variations.” Dobie 3.

Accord, Krager (at 3), RPE (at 3, 10).

VI. RPE’S NEW R5 ALTERNATIVE RESOLVES EACH OF CDOT’S OBJECTIONS TO R1-4.

We requested RPE to undertake additional planning relative to the R Alternatives because CDOT had failed to do so. Specifically, we requested RPE to address CDOT’s criticisms through design. Within one week, RPE delivered R5. *See*, Exhibit 7, conceptual design drawings, preliminary cost estimates and a 10 page explanatory report. The key features

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include increased design speed to 55 mph (by increasing the curve radii to 1335 feet), northbound US 550 transition speed zones, an additional lane to the Interchange overpass which allows a double left turn from northbound US 550 to eastbound 160 and further reduced weighted travel time (now 32 seconds faster to Durango than G, and at slower through speeds).

In one week, RPE has accomplished what CDOT refused to undertake these past nine months. This too is evidence that CDOT has violated Section (f).

We ask that you carefully review the details of RPE's work.

VII. SIX INDEPENDENT ENGINEERING FIRMS HAVE DETERMINED THAT THE R ALTERNATIVES MEET OR EXCEED ALL SAFETY CRITERIA.

In connection with our November 28, 2011 submission, in support of R1-4 RPE submitted a 75 page report (plus six exhibits, including preliminary drawings and computations) together with a supporting report from Krager and Associates. Both firms have submitted reports in connection with this submission.

For this submission, FHWA and CDOT accorded us 37 days, after they took nine months to prepare the SFEIS. In any event, we requested four engineering firms – with no previous contact with the Webbs, this law firm, RPE or the R Alternatives – to review this matter. And we requested that three of these firms provide a full review of whether, from a safety perspective, the R Alternatives meet CDOT's purpose and need and are prudent and feasible – Aldridge, TiG and Dobie. The fourth is Garth Dull.

Each firm found efficacy in the R 1/3 alternatives, acknowledging the context that they were designed to preserve the Hillmeyer and Piccoli properties, in whole or in part, even though they are not Section 4(f) properties. These designs required shorter curve radii and slower design speeds, neither of which is optimal.

All three firms concluded that R 2, 4 and 5 meet purpose and need and are prudent and feasible alternatives.

Aldridge and TiG applied FHWA *Mitigation Strategies* (MSDE) Chapter 1, p. 6, which requires the utilization of thirteen Controlling Criteria that govern highway design. The criteria provide minimum requirements and standards for:

- 1) Design speed
- 2) Lane width
- 3) Shoulder width
- 4) Bridge width

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- 5) Horizontal alignment
- 6) Superelevation
- 7) Vertical alignment
- 8) Grade
- 9) Stopping sight distance
- 10) Cross slope
- 11) Vertical clearance
- 12) Lateral offset to obstruction
- 13) Structural capacity

Aldridge and TiG both have concluded that R 2, 4 and 5 meet or exceed each of these criterion. Aldridge 7-11, ¶¶ 28-40, 67; TiG 9-14. TiG noted that CDOT has included on US 550 at Bondad Hill many of the design elements incorporated in the R Alternatives. TiG 13.

The Aldridge Report also applies the seven elements promulgated by FHWA for determining whether the R Alternatives are “prudent and feasible” and concludes that there is no basis to exclude the R Alternatives. Aldridge, 11-14, ¶¶ 41-49, 67.

Likewise, TiG concludes that R 2, 4 and 5 meet the safety requirement for purpose and need, TiG 9, 14; and concurs that both alternatives are prudent and feasible alternatives. TiG 13-14.

Accord, Dobie (at 3), Krager (at 2-3) and Dull (at 10).

VII. IT IS BEYOND PURVIEW THAT R IS THE ONLY ALTERNATIVE THAT MINIMIZES HARM TO SECTION 4(f) PROPERTIES.

Section 4(f) requires, if possible, the complete avoidance of all property and cultural resources protected by that law. Under Section 4(f), if avoidance is not possible, an agency must select the only alternative that minimizes harm to property and cultural resources that are protected by law.

On a purely quantitative basis – the measure of acreage alone -- Revised G Modified imposes the *greatest* harm to Section 4(f) properties. G takes four to five times more 4(f) protected land than any of the R Alternatives. RPE 9, Table 3.

But this quantitative analysis tells only a fraction of the story. CDOT has not engaged in any qualitative analysis of the subjective magnitude of the harm to the Section 4(f). The Advisory Council on Historic Preservation requested FHWA to perform that analysis and share it with the consulting parties. *See*, letter from ACHP to FHWA, May 31, 2011, p. 2. FHWA

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and CDOT have ignored that request, for obvious reasons.

CDOT proposes to bisect the heart of Webb Ranch with a highway that includes excavation of a trench by removing 1.6 million yards of material and the construction of two sets of bridges over the two existing ravines, one of which is actually an extremely deep gorge. The highway would crest on Farmington Hill approximately 200 feet from the primary ranch residence and the historic barn with associated corrals and chutes. The G Alternative destroys the ranch. It visits upon Webb Ranch a magnitude of harm that is exponentially greater than any harm imposed by any US 550 alternative on any Section 4(f) protected property.

Six independent engineering firms have opined that R 2/4 meet CDOT's purpose and need, and that such determination is beyond challenge. Those alternatives minimize harm to Section 4(f) properties compared to G.

If none of R1-4 variations meet CDOT's purpose and need, and six engineering firms have opined that at least three do, beyond any doubt R5 meets CDOT's purpose and need and also minimizes harm to Section 4(f) properties. R5 requires acquisition of the Hillmeyer and Piccoli/Eagle Block properties, but those are not protected by Section 4(f).

CDOT clearly has not engaged in all planning to refine or enhance Alternative R, which imposes the least harm to 4(f) properties including the Webb Ranch. TiG 1. TiG opines that R 2 and 4 should be considered as alternatives that impose the least harm to Section 4(f) properties including Webb Ranch. TiG 7, 14.

By endorsing G as the preferred alternative, CDOT has violated Section 4(f).

VIII. SINCE JANUARY 4, 2008, CDOT AND FHWA HAVE CONDUCTED AN ADMINISTRATIVE PROCESS THAT IS BIASED AND TAINTED AND THEREFORE, AS A MATTER OF LAW, IS ARBITRARY AND CAPRICIOUS.

It is astonishing that in the nine months since the Webb November 2011 submission, the entirety of CDOT's effort has been devoted to the development of a putative "record" for "screening out" R rather than actually undertaking further planning and development of R. In so doing, CDOT:

- Operated under the reality that it prematurely constructed the \$50 million Bridge, creating an actual or perceived need to deliver an alternative that

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connects to it;¹¹

- Utilized the same personnel who for years have designed the Bridge and G and are therefore invested in the success of completing the entire integrated project;
- Employed cursory and superficial analysis;
- Elevated minor technical issues typically addressed and resolved during construction plan development as purported grounds for eliminating a prudent and feasible alternative;
- Applied a “rigid fault finding” approach to R and “problem solving” approach to G such that enhancements were incorporated in G not incorporated in R;
- Appears to have proceeded with a “hidden agenda that favors connection to the recently constructed Grandview Interchange”;
- Ignored objective evidence that R is actually superior to G under most applicable criteria;
- Ignored that G’s impact on Section 4(f) properties is immensely greater, quantitatively and qualitatively, than R’s;
- Engaged in a process that evidences a determination to improperly favor G; and
- Utilized methodologies to enhance G not applied to R.

All of this, and more, is set forth in the reports from six independent engineering firms that carefully have reviewed CDOT’s process and work product.

And yet CDOT clings to the one page “safety” assertions authored by an in-house engineer, conclusively refuted here, to screen out the R Alternatives on preliminary conceptual designs and to eliminate R from further study, slamming the door shut with that one page. The result is inexplicable, unjustifiable.

¹¹ CDOT constructed the Bridge with a deck span that rises 60 feet above US 160, with associated higher and longer ramps, more expansive bridge abutments and taller and more expansive retaining walls than would be required if the Bridge had been designed simply to create frontage road connection to the south side of US 160. The conclusion is inescapable: CDOT built this Bridge for G and US 550. RPE 10.

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What explains this? The Bridge.

This dispute is not grounded in competing engineering opinions over which reasonable minds could differ. CDOT's failings are far too stark for that.

This dispute emanates from a process that was, and continues to be, tainted by CDOT's premature decision to commence construction of the Bridge. A tainted process produces a tainted result.

We commend a full reading of the report and opinion of Garth Dull, who served the Nevada Department of Transportation for more than 30 years, nine as Director and six as Deputy Director. His is a powerful indictment, from one who served as a peer on the government side of this industry and who was responsible for the same processes and decisions, and required to discharge the same obligations, upon which he now opines as to CDOT. To summarize his conclusions, and support therefore, would dilute the strength of the full read, but in the introduction to this letter we have quoted from his concluding opinions.

Garth Dull is joined in his opinion by John Aldridge, a professional engineer for more than 30 years, in Colorado, specializing in traffic engineering and transportation planning, and well known to, and respected by, CDOT management personnel. According to Aldridge:

CDOT constructed the Grandview interchange with the obvious intention of relocating US-550 from south of CR-220 through the Webb Ranch and connection to the interchange. Clearly, CDOT positioned the bridge over US-160 to accommodate the relocation of US-550. The support for this opinion includes the following

Aldridge 15-16, ¶55.

Aldridge then recounts CDOT's decision making process to advance G over all obstacles, culminating in the elimination of R without further study, for entirely specious reasons. *Id.* 16-19.

The Dull, Aldridge, TiG, Dobie, Krager and RPE reports are replete with the identification of CDOT acts and omissions that meet the arbitrary and capricious standard applicable under the Administrative Procedures Act, which is met if an agency engages in one or more of the following:

- (1) entirely failed to consider an important aspect of the problem;
- (2) offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a

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difference in view or the product of agency expertise:

- (3) failed to base its decision on consideration of the relevant factors; or
- (4) made a clear error of judgment.

Prairie Band Pottawatomie Nation v. FHA, 212 U.S. App. LEXIS 14901, *7 (10th Cir. July 10, 2012), citing, *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 710-711 (10th Cir. 2010).

Here, as identified by the independent professional engineering firms, every one of these elements is present in CDOT's decision making process, and each in multiple occurrences.

CDOT's conduct poisoned the Section 106 process and poisoned the Section 4(f) evaluation process.

Not only did FHWA fail to comply with its oversight responsibilities, it became a willing and eager participant in this scheme. The emails of FHWA's Joe Duran, Stephanie Popiel Gibson and attorney Maryanne Blouin are most illuminating in this regard.

CONCLUSION

By this submission, and all of our prior submissions, correspondence and pleadings, on behalf of the owners of Webb Ranch, we seek immediate and full compliance with federal law.

In our November 28, 2011 submission, we opened with an entreaty:

First and foremost, we view this comment period as an auspicious opportunity to find unifying and enabling solutions to meet the needs of the Durango community now and in the future. It offers a fortunate window of time to engage in a transparent and constructive dialogue on an alignment that respects historical properties, meets transportation needs and is cost effective during these challenging economic times. Our submission is offered in a spirit of collaborative problem solving with these important goals in mind.

Clearly, that fell on deaf ears.

But Garth Dull is right: it is not too late to rectify the violations of federal law. This will require:

- Reopening and reinvigorating the Section 4(f) evaluation;

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- Substituting a new team of independent professionals representing CDOT and the FHWA and protecting the rights and interests of consulting parties and serving the best interests of the community;
- Implementing a “can do” and “problem solving” approach, as RPE has done;
- Engaging in all possible planning to minimize harm to Section 4(f) properties;
- Arriving at a sound decision, free from taint, produced by an objective consideration, application and weighing of the evidence.

Of course, FHWA and CDOT should accede to these requests because it is the right thing to do and Section 4(f) requires it.

However, if the agencies require further encouragement, we submit that a federal court favorably shall entertain the following assertions:

- This situation is *not* a difference of opinion between engineers. CDOT has made clear errors of law, fact and judgment motivated by patent bias and bad faith;
- CDOT already has acknowledged that the R Alternatives meet at least five factors or criterion for advancement of the R Alternatives for further study;
- According to six independent engineering firms, R 2, 4 and 5 present no insurmountable safety or capacity issues;
- According to six independent engineering firms, the safety and capacity issues interposed by CDOT were trivial and easily resolved through planning typical of construction plan designs;
- According to six independent engineering firms, R 2, 4 and 5 meet CDOT’s purpose and need;
- According to six independent engineering firms, R 2, 4 and 5 are prudent and feasible alternatives to G.
- According to six independent engineering firms, CDOT has failed to engage in all possible planning to minimize harm to Section 4(f) properties;

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- According to six independent engineering firms, the R Alternative (variations 2, 4 and 5) is the only alternative that minimizes harm to Section 4(f);
- According to six independent engineering firms, CDOT has conducted charade administrative proceedings to conceal its motivation to connect G to the Bridge;
- CDOT has made a clear error of law by including non-Section 4(f) properties in its weighing of the harms;
- As a matter of law and public policy, upon the January, 2008 designation of Webb Ranch as a Section 4(f) property, FHWA was obligated to direct CDOT to cease land acquisition, condemnation, letting for bid construction contracts for Ramps A and B and the Bridge elements that followed and denied CDOT permission to proceed with construction;
- FHWA personnel became business partners in the advancement of the “Grand Dig” scheme in complete dereliction of their oversight responsibilities;
- CDOT engaged in intentional misconduct, or at best gross malfeasance, in its now manifest predetermination to build G, and then compounded that misconduct by engaging in subterfuge, concealment and dissembling concerning its intentions; and
- The GAO and the Colorado Attorney General should conduct an investigation of the wrongdoing and gross waste of taxpayer money and public resources that has occurred here.

We designate this submission, and all of its attachments, for inclusion in the administrative record.

Sincerely,



Thomas G. McNeill

TGM:emp

cc: Larce Hanf, Esq.

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