

US 6 Bridges Design Build Project

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Section 4(f)/6(f) Technical Report

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Federal Highway Administration

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List of Abbreviated Terms

ADA	Americans with Disabilities Act
EB	eastbound
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
I-25	Interstate 25
ROD	Record of Decision
RTP	Regional Transportation Plan
SB	southbound
US 6	United States Highway (6 th Avenue)
U.S.C.	United States Code
USFWS	US Fish and Wildlife Service
WB	westbound

1. Introduction

This Technical Report documents a Section 4(f)/6(f) analysis and study conducted in support of a Re-evaluation under 23 Code of Federal Regulations § 771.129 for the United States Highway 6 Bridges Design Build Project (herein referred to as the Proposed Project). It takes into consideration the following factors relative to the Interstate 25 (I-25) Valley Highway Project Final Environmental Impact Statement (FEIS) and the resultant 2007 Record of Decision (ROD):

- Have there been changes in the Proposed Project or its surroundings?
- Have any new issues been identified?
- Are there new circumstances to be considered?
- Is there new information that was not considered in the original document?
- Are there changes in laws or regulations that apply to the Proposed Project?

2. Project Background

The Proposed Project includes modifications to the roadway, interchanges, and bridges along 6th Avenue (US 6) between Sheridan Boulevard and the BNSF Railway in Denver, Colorado. The Colorado Department of Transportation (CDOT) is preparing a Reevaluation and ROD to document the impacts of and mitigation for the Proposed Project.

2.1 The I-25 Valley Highway Project

The Federal Highway Administration (FHWA) and CDOT prepared a FEIS in 2006 and a ROD in 2007 for the I-25 Valley Highway Project, located in Denver, Colorado. The Valley Highway Project includes the reconstruction of I-25 and reconfiguration of interchanges from Logan Street to US 6, US 6 from I-25 to Federal Boulevard, and the crossing of Santa Fe Drive and Kalamath Street at the Consolidated Main Line Railroad. The Preferred Alternative, as described in the FEIS, includes the following elements:

- I-25 Mainline: Widening of I-25 to provide a consistent section with four through lanes plus auxiliary lanes in each direction throughout the Project Area
- I-25/Broadway: Tight diamond interchange
- I-25/Santa Fe Drive: Single point urban interchange with a flyover ramp for northbound Santa Fe Drive to northbound I-25
- I-25/Alameda/Santa Fe/Kalamath: Offset partial urban interchange at I-25 and Alameda Avenue; Santa Fe Drive and Kalamath Street grade separated under the railroad close to their current alignments
- US 6: Ramp improvements at the I-25/US 6 interchange; closure of the Bryant Street interchange; diamond interchange at US 6/Federal Boulevard with slip ramps to Bryant Street and a braided ramp from Federal Boulevard to eastbound US 6; reconstruction of US 6 with collector-distributor roads/auxiliary lanes throughout the Project Area

The Preferred Alternative of the Valley Highway Project is shown in Figure 1.

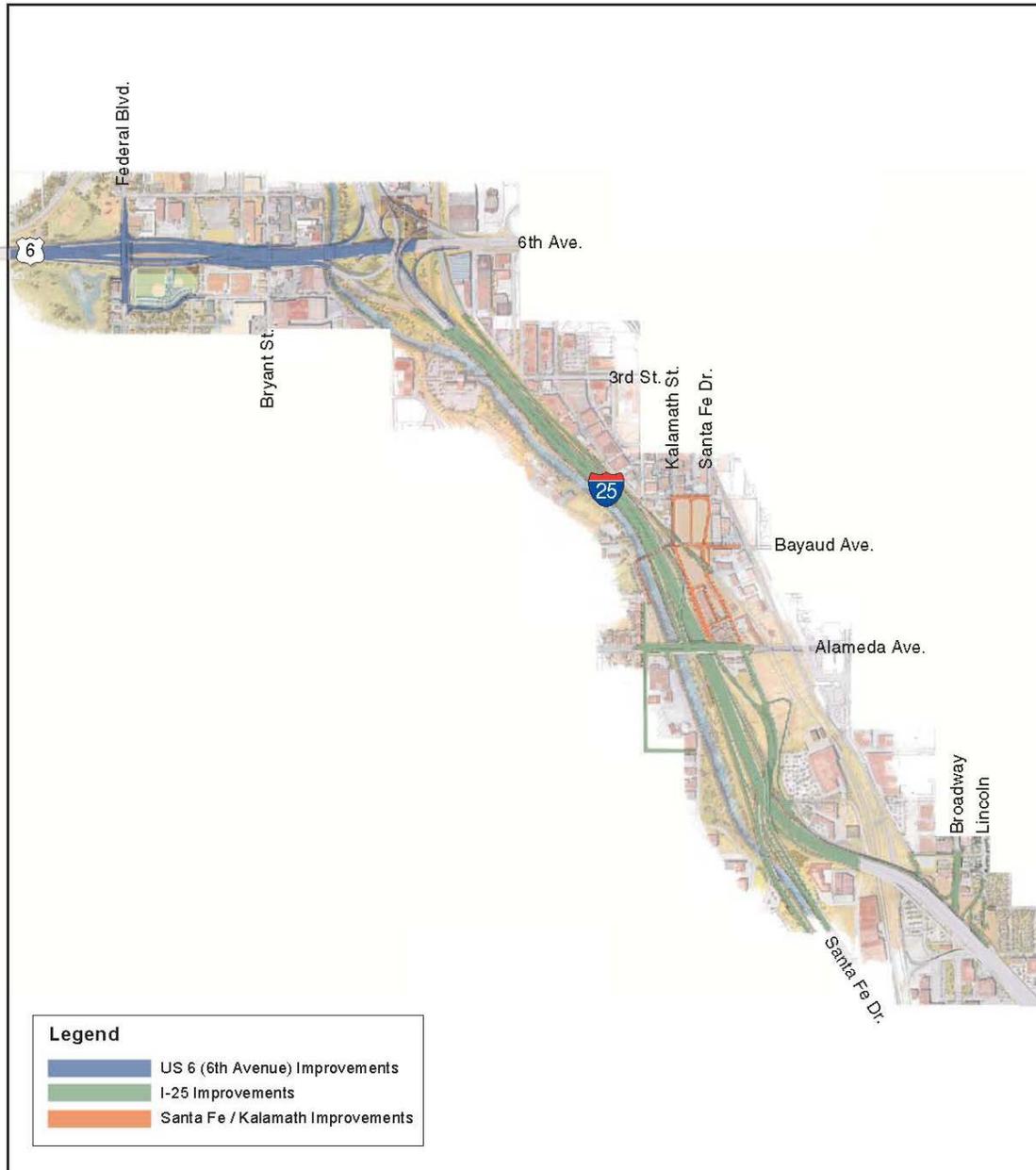


Figure 1: I-25 Valley Highway Project Preferred Alternative
 Source: Record of Decision for the I-25 Valley Highway, June 2007

2.2 US 6 Bridges Design Build Project

The Proposed Project includes the reconstruction of US 6, the reconfiguration of interchanges from Federal Boulevard to I-25, reconstruction of the US 6 bridges from Federal Boulevard to the bridge over the BNSF Railway. The Proposed Project includes the following elements:

- The replacement of five bridges along US 6: Federal Boulevard, Bryant Street, South Platte River, I-25, and BNSF Railway. Three of these bridges are in poor condition and the other two are functionally obsolete. The Proposed Project would also add a tunnel immediately east of I-25 under US 6 to separate traffic on northbound I-25 from traffic exiting the interstate to travel east and west on US 6.
- Ramp improvements at the I-25/US 6 interchange, closure of the westbound (WB) US 6 to Bryant Street ramp, a diamond interchange at US 6/Federal Boulevard with slip ramps to Bryant Street, and a braided ramp from Federal Boulevard to eastbound (EB) US 6.
- Reconstruction of US 6 with collector-distributor roads/auxiliary lanes from Federal Boulevard to the BNSF Railway bridge structure.
- Conversion of 5th Avenue to two-way traffic from Federal Boulevard to Decatur Street.
- Widening of Federal Boulevard, from five to six lanes, from 5th to 7th Avenues to accommodate current and future improvements.
- Pavement resurfacing of US 6 from Knox Boulevard to Sheridan Boulevard.
- In-kind replacement of impacted facilities for Barnum Park East.
- A bicycle/pedestrian bridge structure over US 6, connecting Barnum Park North and Barnum Park (also known as Barnum Park South, and herein referred to as Barnum Park South).

Figure 2 shows the Proposed Project.

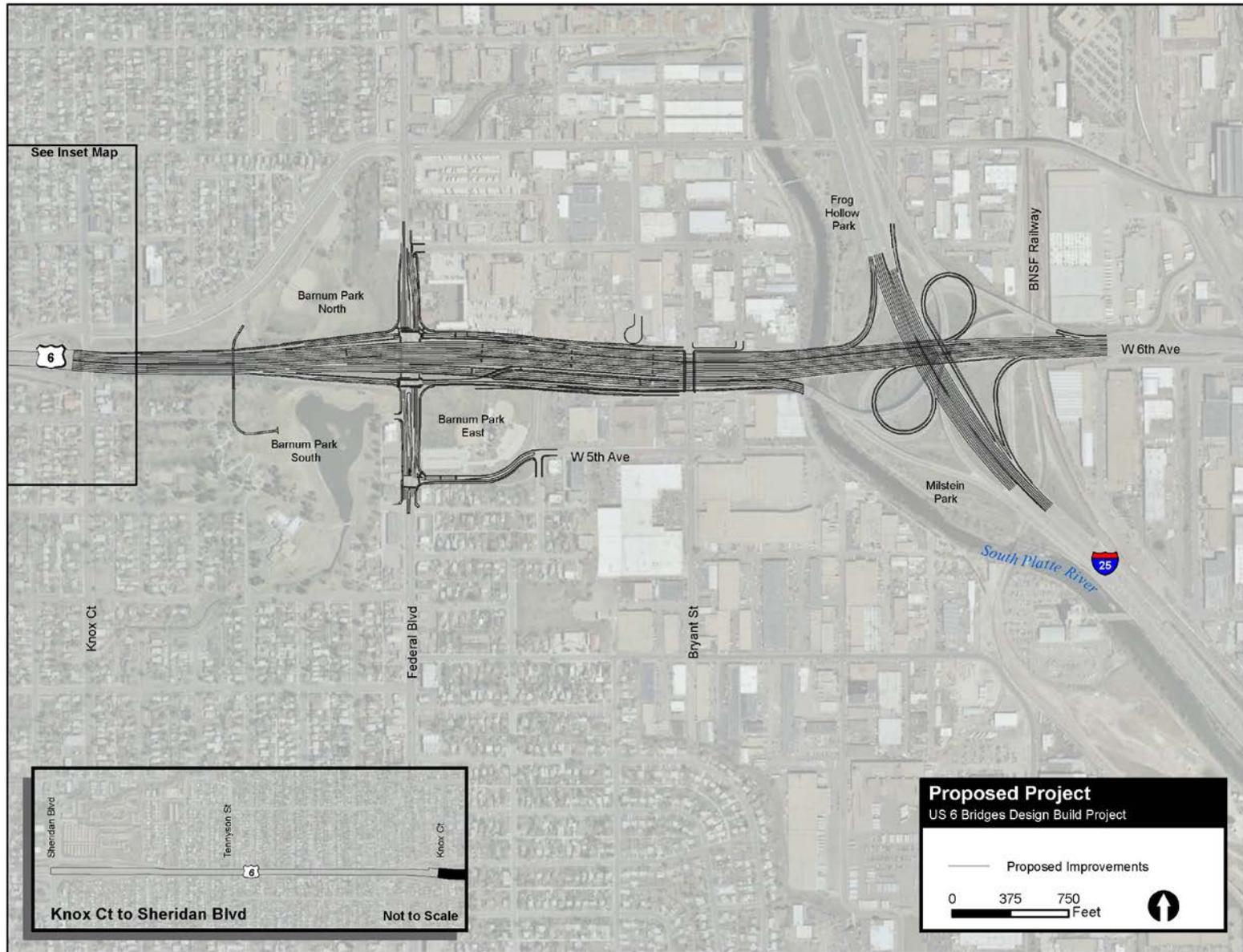


Figure 2: Proposed Project

2.3 Relationship of the Valley Highway Project and the US 6 Bridges Design Build Project

At the time of the Valley Highway Project FEIS, funding had not been identified for the entire Preferred Alternative. Although budget placeholders were included in the 2030 Regional Transportation Plan (RTP), these budgets fell short of the estimated cost of the Preferred Alternative. Therefore, FHWA and CDOT planned for a phased implementation of the Preferred Alternative. These six phases are outlined in Chapter 7 of the FEIS. The Reevaluation and ROD for the Proposed Project will reevaluate part of Phase 1 (the part including the US 6/Federal Boulevard interchange) as presented in the 2007 ROD, and provide a decision for Phase 5 of the Valley Highway Project. The Reevaluation and ROD for the Proposed Project will also address four new project elements, which were not part of the Valley Highway Project FEIS. Due to the minor environmental significance and nature of these additional components, they are included in the Reevaluation and ROD and will not affect the independent utility, logical termini, or Preferred Alternative of the Valley Highway Project.

2.3.1 Phasing of the FEIS Preferred Alternative

The Proposed Project includes elements of two of the six construction phases—Phase 1 and Phase 5—from the Valley Highway Project. A decision on construction Phase 1 of the Valley Highway Project, which included the US 6/Federal Boulevard bridge and ramps, excluding the braided ramp, was made in the 2007 ROD. Figure 3 shows the phases of the Valley Highway Project’s Preferred Alternative and Figure 4 shows the Proposed Project Elements and how they relate to the FEIS phasing.

2.3.2 Additional Project Elements in the Proposed Project

At this time, the Proposed Project includes six additional elements that were not included in the FEIS or 2007 ROD:

- Reconstruction of the southbound (SB) I-25 to EB US 6 ramp;
- A bicycle/pedestrian bridge structure over US 6, connecting Barnum North and Barnum South parks;
- Replacement of the US 6 bridge over Bryant Street;
- Replacement of the US 6 bridge over I-25;
- Replacement of the US 6 bridge over the BNSF Railway; and
- Pavement resurfacing of US 6 between Sheridan Boulevard and Knox Court.

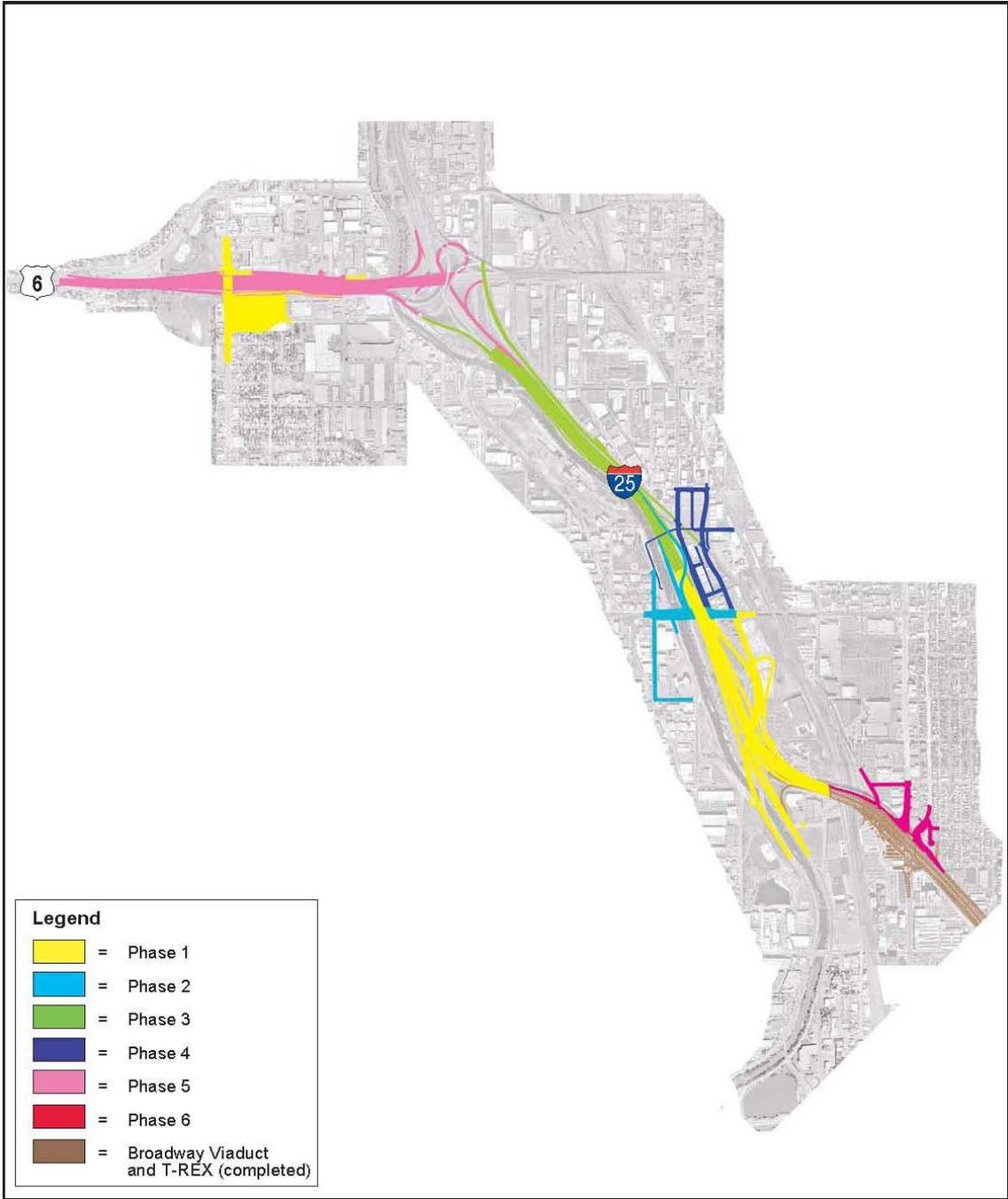


Figure 3: Valley Highway EIS Phased Implementation of the Preferred Alternative

Source: Record of Decision for the I-25 Valley Highway, June 2007

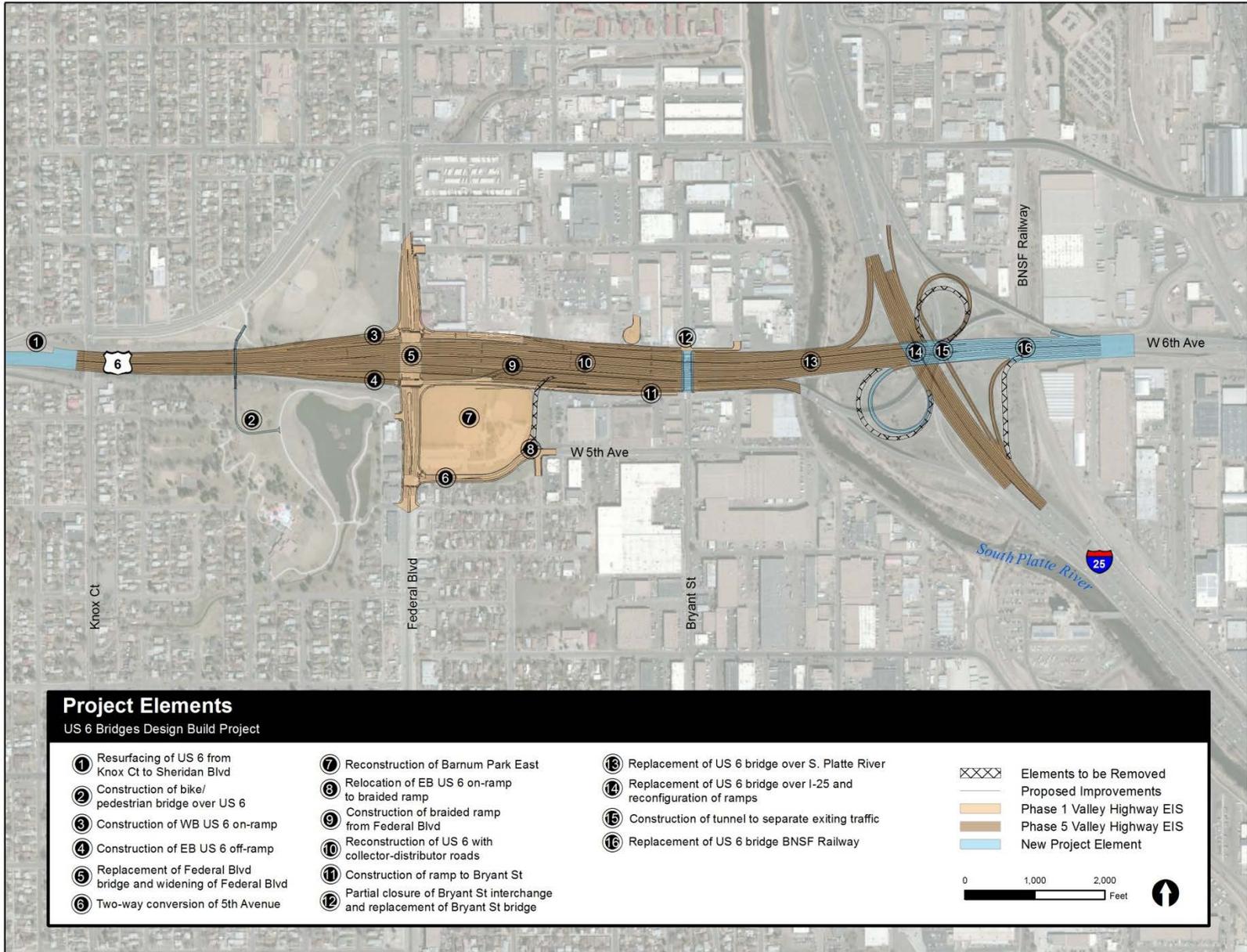


Figure 4: Proposed Project Elements

3. Section 4(f)/6(f) Introduction

3.1 Purpose

The purpose of this technical report is to evaluate the Proposed Project to address the following questions:

- Is there a substantive difference in impacts to properties protected under Section 4(f) of the Department of Transportation Act of 1966 (49 United States Code [U.S.C.] 303) and Section 6(f) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-04 et seq.) associated with the preferred alternative presented in the 2006 Valley Highway Project FEIS and 2007 ROD and the design for the Proposed Project?
- Is the Proposed Project located within the project footprint that previously received environmental clearances through the Valley Highway Project FEIS/ROD?
- Is there is a substantive difference between the previous and currently proposed Section 4(f) and 6(f) mitigation measures, and are they adequate to offset anticipated uses or conversions, respectively?

3.2 Section 4(f)/6(f) Resources

The Valley Highway Project FEIS and 2007 ROD identified four parks and one recreational resource in the vicinity of the proposed widening of US 6 between Knox Court and I-25. The Reevaluation and ROD for the Proposed Project identifies Milstein Park as an additional park resource. All of the park and recreation resources are listed in Table 1 and the parkland is shown in Figure 5. All of these facilities are owned and maintained by the City and County of Denver.

Table 1: Park and Recreation Resources

Park or Recreation Resource	Year Acquired/ Established	Size (acres)	Facilities
Barnum Park South ¹	1906	35.6	Basketball court, drinking fountain, flower garden, fishing lake, outdoor swimming pool, playground, picnic tables/shelter, recreation center, restroom, soccer field, tennis court, bike/pedestrian path
Barnum Park North ¹	1937	11.8	Lighted baseball field, drinking fountain, restroom, lighted soccer field, bike/pedestrian path
Barnum Park East ²	1951	13.6	Soccer field, lighted softball field, drinking fountain, restroom
Frog Hollow Park ¹	1976	4.0	Paved bike/pedestrian trail, drinking fountain, fishing, picnic tables
South Platte River Trail ¹	1980	19 miles	Paved bike/pedestrian trail
Milstein Park ¹	1980	5.0	Paved bike/pedestrian trail, fishing, picnic tables

Source: City and County of Denver, Department of Parks and Recreation, 2003

¹ Section 4(f) and 6(f) resources

² Section 4(f) resources only

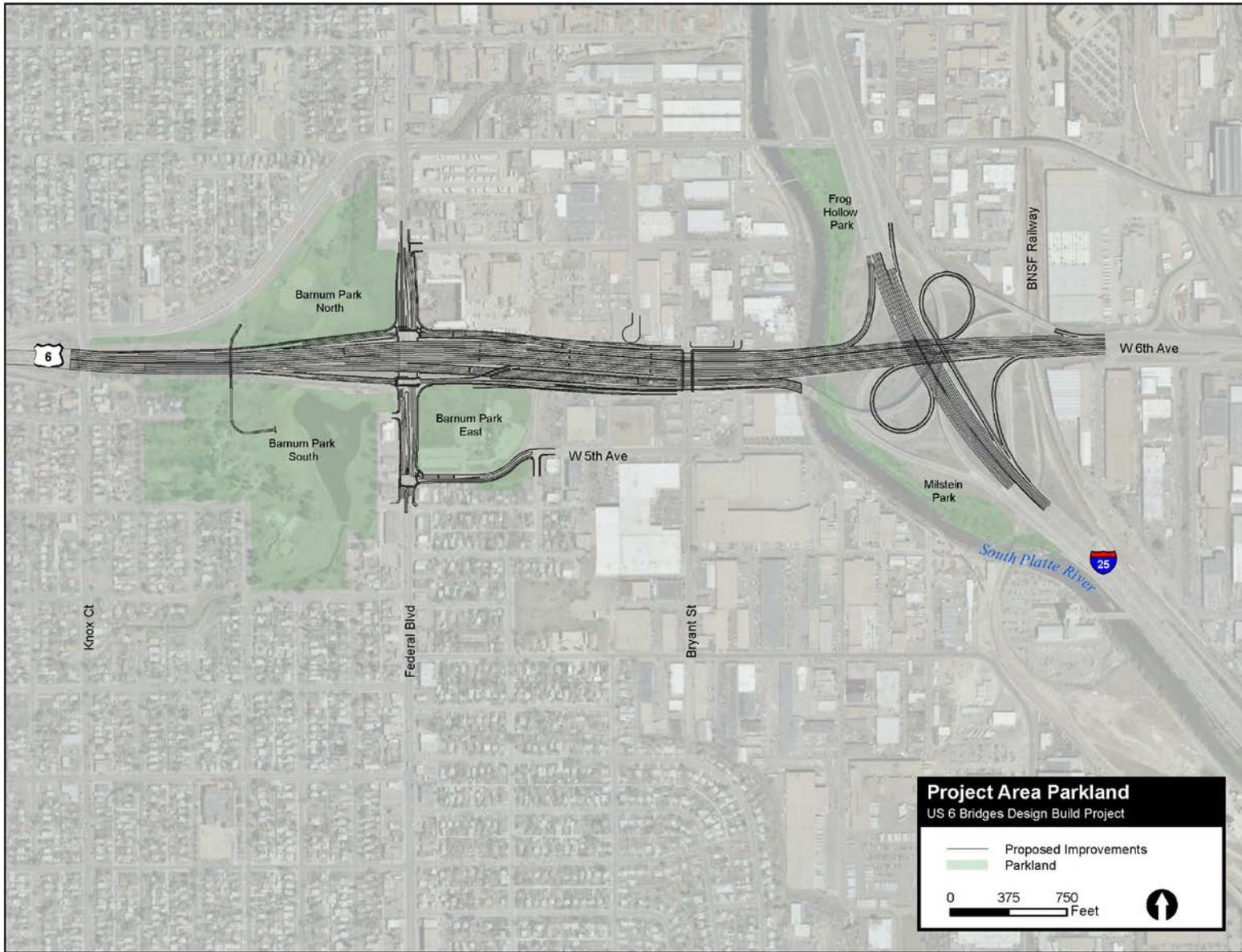


Figure 5: Project Area Parkland

4. Section 4(f) Analysis

The FEIS identified direct and indirect uses of all phases of the Valley Highway Project on publicly owned parkland and recreation resources, which are afforded protection under Section 4(f). The FEIS addressed all elements of a Section 4(f) analysis including an evaluation of avoidance alternatives and measures to minimize harm. The avoidance alternatives included widening US 6 without park encroachments and locating the proposed improvements elsewhere in the study area. FHWA determined there were no feasible and prudent avoidance alternatives, and the preferred alternative included all possible planning to minimize harm to Section 4(f) properties. The 2007 ROD reaffirmed FHWA’s FEIS determination.

As indicated below in Table 2, the FEIS and 2007 ROD indicated the Valley Highway Project would use 0.01 acre of land in the northeast corner of Barnum Park South because the proposed widening of Federal Boulevard would require a westward relocation of the existing sidewalk. The design for the Proposed Project avoided this use due to a revision of the design of the Federal Boulevard interchange, thereby eliminating the sidewalk relocation.

In Barnum Park North, the Valley Highway Project FEIS identified small uses of parkland on the east side of the park (0.02 acre) associated with a redesigned WB on-ramp to US 6 from Federal Boulevard and on the south side of the park (0.03 acre) for the US 6 ramp. The 2007 ROD confirmed the use on the east side of the park, but the use on the south side increased to 0.4 acre. The design for the Proposed Project would result in a 0.9-acre use of the southern part of the park, including a 0.27-acre maintenance easement associated with a retaining wall along the WB US 6 on-ramp from Federal Boulevard (Figure 6).

Table 2: Section 4(f) Use Comparison

Park or Recreation Resource	Use by Valley Highway Project FEIS/ROD Preferred Alternative (acres)	Use by Proposed Project (acres)
Barnum Park South	0.01/0.01	No use
Barnum Park North	0.05/0.42	0.90
Barnum Park East	1.54/2.1	1.64
Frog Hollow Park	No use	No use
South Platte River Trail	No direct use; temporary occupancy	No direct use; temporary occupancy
Milstein Park	Not identified	No use
West and Southside Interceptor	Not identified	240 feet

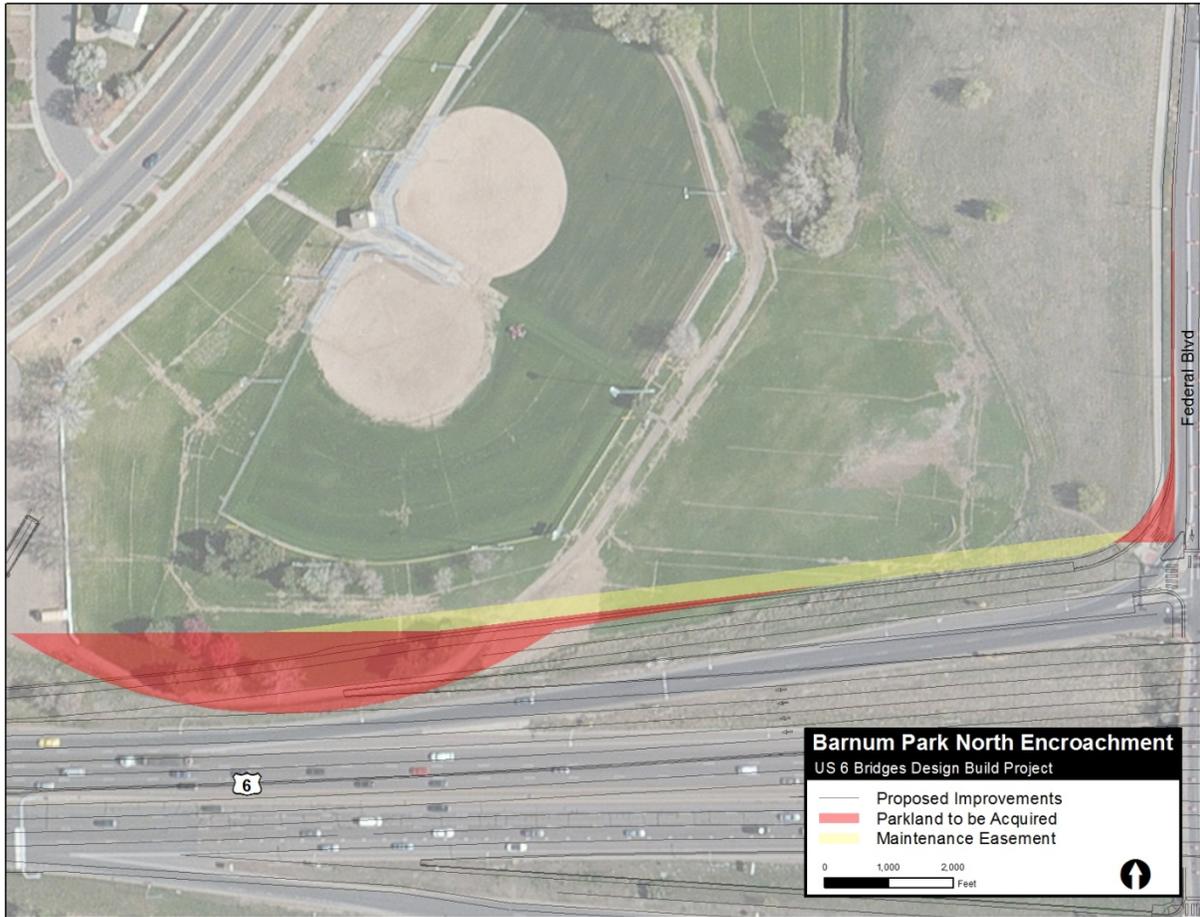


Figure 6: Barnum Park North Uses

At Barnum Park East, the Valley Highway Project FEIS indicated 1.54 acres of parkland would be converted to transportation use. This use would occur on the northern and western edges of the park due to the eastward expansion of Federal Boulevard to accommodate turning lanes on the Federal Boulevard bridge over US 6 and a new EB on-ramp from Federal Boulevard to US 6. The 2007 ROD indicated the use area increased to 2.1 acres. The Proposed Project design reduced the use to 1.64 acres by compressing the footprint of the US 6/Federal Boulevard interchange (Figure 7).



Figure 7: Barnum Park East Uses

Both the Valley Highway Project FEIS and 2007 ROD indicated there would be no use of Frog Hollow Park and no direct use of the South Platte River Trail (Table 2, Figure 8) from the Valley Highway Project. However, there would be a temporary closure/occupancy of the trail during construction/widening of the US 6 bridge over the river and over the trail to protect trail users from overhead construction activities. The same temporary use of the trail would occur with the Proposed Project. Neither project would result in a use of land in Milstein Park, south of the I-25/US 6 interchange (Figure 8).

Construction of the new bridge over the South Platte River will require relocation of a 240-foot segment of the West and Southside Interceptor located west of the river. This portion of the 7-mile-long, brick-lined sewer segment of the interceptor could sustain damage during pile driving and drilling that will occur. Because preservation in place is not prudent due to potential damage, this minor relocation of 0.1 percent of the segment between 3rd and 6th Avenues is feasible and prudent.



Figure 8: Proposed Work, US 6/I-25 Interchange

5. Section 6(f) Analysis

The FEIS and the 2007 ROD for the Valley Highway Project indicated there would be no conversion of Section 6(f) resources to nonrecreational uses in either Barnum Park North or South (Table 3). The same is true for the Proposed Project relative to Barnum Park South. However, the Proposed Project would result in a 0.63 acre conversion of 6(f) resources in Barnum Park North from construction of the WB US 6 on-ramp from Federal Boulevard and a CDOT maintenance easement along this ramp on the southern edge of the park.

No Section 6(f) funds from the Land and Water Conservation Act have been used in Barnum Park East. Thus, no conversion of such resources would occur.

The Section 6(f) boundary in Project Area is that of the South Platte River floodplain, within which both Milstein Park and Frog Hollow Park and the South Platte River Trail are located. Neither the Valley Highway Project nor the Proposed Project would convert 6(f) resources present in either Frog Hollow or Milstein parks (Figure 8). However, both projects would result in a temporary closure/occupancy and detour of the South Platte River Trail during overhead construction of the US 6 over the river and trail. Other construction activities, such as new bridge piers, water quality ponds, and erosion control measures, would likely occur during this time frame. This temporary occupancy of the trail would not result in its permanent conversion to nonrecreational use. The construction activities in the South Platte River floodplain would convert less than 5 acres of floodplain to nonrecreational use.

Table 3: Section 6(f) Conversion Comparison

Park or Recreation Resource	Conversion of Valley Highway Project FEIS/ROD Preferred Alternative (acres)	Conversion of Proposed Project (acres)
Barnum Park South	No conversion; 6(f) resources are located on opposite side of park, away from US 6 improvements	No conversion; 6(f) resources are located on opposite side of park, away from US 6 improvements
Barnum Park North	No conversion	0.63
Frog Hollow Park	No conversion	No conversion
South Platte River Trail	No conversion	No conversion
Milstein Park	No conversion	No conversion
South Platte River Floodplain	No conversion	< 5 acres

6. Mitigation Recommendations

This section provides a comparison of the mitigation measures for Section 4(f) uses and Section 6(f) conversions from the Valley Highway Project with the current Proposed Project. Table 4 provides a summary of this comparison.

Table 4: Section 4(f) and 6(f) Mitigation, Comparison between FEIS/2007 ROD and Proposed Project

Park or Recreation Resource	Mitigation from Valley Highway Project FEIS/ROD	Mitigation Proposed for Proposed Project
Barnum Park South	<ul style="list-style-type: none"> 4(f): Minimize acquisition by shifting Federal Boulevard widening to the east 6(f): None required; no conversion 	<ul style="list-style-type: none"> 4(f): None required; no encroachment into the park 6(f): None required; no conversion
Barnum Park North	<ul style="list-style-type: none"> 4(f): Minimize acquisition by shifting Federal Boulevard widening to the east 6(f): Relocate trail north of its current location; replace fencing, turf and irrigation system 	<ul style="list-style-type: none"> 4(f) mitigation: For any new or additional impacts, minimize acquisition by shifting Federal Boulevard widening to the east; construct a bicycle/pedestrian bridge over US 6 (west of Federal Boulevard) to connect Barnum Park North and Barnum Park South. 6(f) mitigation: For any new or additional impacts, minimize acquisition by shifting Federal Boulevard widening to the east to avoid additional impacts to Barnum Park North. Relocate trail north of its current location; replace fencing, turf and irrigation system; and provide all CDOT commitments included in the IGA with Denver Department of Parks and Recreation. Construct a bicycle/ pedestrian bridge over US 6 (west of Federal Boulevard) and trails connecting Barnum Park North and Barnum Park South.
Barnum Park East	<ul style="list-style-type: none"> 4(f): Minimize acquisition; add 0.5 acre to east edge of park; reconstruct/reconfigure facilities to maintain park function and provide upgraded facilities; enhance ADA access; install new playground 6(f): None required; no resources present 	<ul style="list-style-type: none"> 4(f) mitigation: Minimize acquisition; reconstruct/ reconfigure facilities to maintain park function and provide upgraded facilities; enhance ADA access; install new playground; add 0.9 acre to east end of park. 6(f): None required; no resources present
Frog Hollow Park	<ul style="list-style-type: none"> 4(f): None required; no use 6(f): None required; no conversion 	<ul style="list-style-type: none"> 4(f): None required; no use 6(f): None required; no conversion
South Platte River Trail	<ul style="list-style-type: none"> 4(f): Provide detours for trail users; minimize closure times; provide public notification on detours 6(f): Provide detours for trail users; minimize closure times; provide public notification on detours 	<ul style="list-style-type: none"> 4(f) and 6(f) mitigation: Contractor to provide mitigation during construction as defined in Book 2 Section 16.2.8 (Trail and Pedestrian Impacts) for the temporary use of the South Platte River Trail.

Park or Recreation Resource	Mitigation from Valley Highway Project FEIS/ROD	Mitigation Proposed for Proposed Project
Milstein Park	<ul style="list-style-type: none"> • 4(f): None required; no use • 6(f): None required; no conversion 	<ul style="list-style-type: none"> • 4(f): None required; no use • 6(f): None required; no conversion
West and Southside Interceptor	<ul style="list-style-type: none"> • 4(f): Not identified • 6(f): Not applicable 	<ul style="list-style-type: none"> • 4(f) mitigation: Mitigation for the adverse effect to the West and Southside Interceptor will be mitigated in the future with the execution of the Denver brick-lined sewers Memorandum of Agreement. No further coordination is required from the Contractor unless new or additional impacts are discovered. • 6(f): None required; no resources present
South Platte River Floodplain	<ul style="list-style-type: none"> • 4(f): Not applicable • 6(f): Not identified 	<ul style="list-style-type: none"> • 6(f) mitigation: Keep an accurate and detailed record of all impacts to the South Platte River floodplain. These records need to include square footage of the impacts and the value of that land. The Contractor will be required to furnish these records when requested so that CDOT can provide them to CCD, Colorado Parks and Wildlife (CPW) and the National Park Service (NPS) once all impacts are known.

6.1 Valley Highway Project

The Valley Highway Project FEIS and 2007 ROD cited similar mitigation measures to address direct uses to properties protected under Section 4(f), as shown in Table 4. The FEIS indicated the final design should minimize the amount of land required from all parkland, while meeting highway operational and safety requirements. For Barnum Park East, the FEIS and 2007 ROD both prescribed the reconstruction and reconfiguration of the park to maintain park functions and provide upgraded facilities. The 2007 ROD also called for the addition of replacement parkland in this park.

For Barnum Park North, the recommended mitigation to address Section 4(f) uses and Section 6(f) direct conversions involved the relocation of the bicycle/pedestrian trail in the south part of the park because of the ramp realignment from southbound Federal Boulevard to WB US 6.

6.2 Proposed Project

The Section 4(f) and 6(f) mitigation measures proposed for the Proposed Project are similar to those cited in the FEIS and 2007 ROD, with additional measures to offset Section 4(f) uses and a Section 6(f) conversion.

The additional Section 4(f) mitigation measure for the uses in Barnum Park North would construct a bicycle/pedestrian bridge over US 6 west of Federal Boulevard to improve access between Barnum Park North and Barnum Park South. To offset the 6(f) conversion of Land in Barnum Park North, CDOT will acquire additional parkland either adjacent to the park or in its immediate vicinity. Figure 9 shows the proposed Section 4(f) mitigation associated with the Proposed Project in Barnum Park North.

Figure 10 shows the proposed Section 4(f) mitigation associated with the Proposed Project in Barnum Park East.

To mitigate the Section 4(f) use of the West and Southside Interceptor, the length of the brick-lined sewer relocation has been limited to a 240-foot-long segment under the new US 6 bridge over the South Platte River. FHWA has determined that more can be learned about the brick-lined sewer system in Denver through creative mitigation of the adverse effect, which has been accomplished through CDOT's development of an in-depth report on the history of the development of Denver's brick-lined sewers. In addition, CDOT will finalize a Memorandum of Agreement regarding these sewers.

Because this is a design build project, the final design and construction of the Proposed Project may result in adjustments that affect the area impacted or the improvements proposed within one or more of the park or recreation resource areas, including the South Platte River floodplain. If one of these adjustments is proposed, the design build contractor will need to work with CDOT to secure support from Denver Department of Parks and Recreation and approval from FHWA and/or National Park Service for any changed impacts and mitigation commitments.

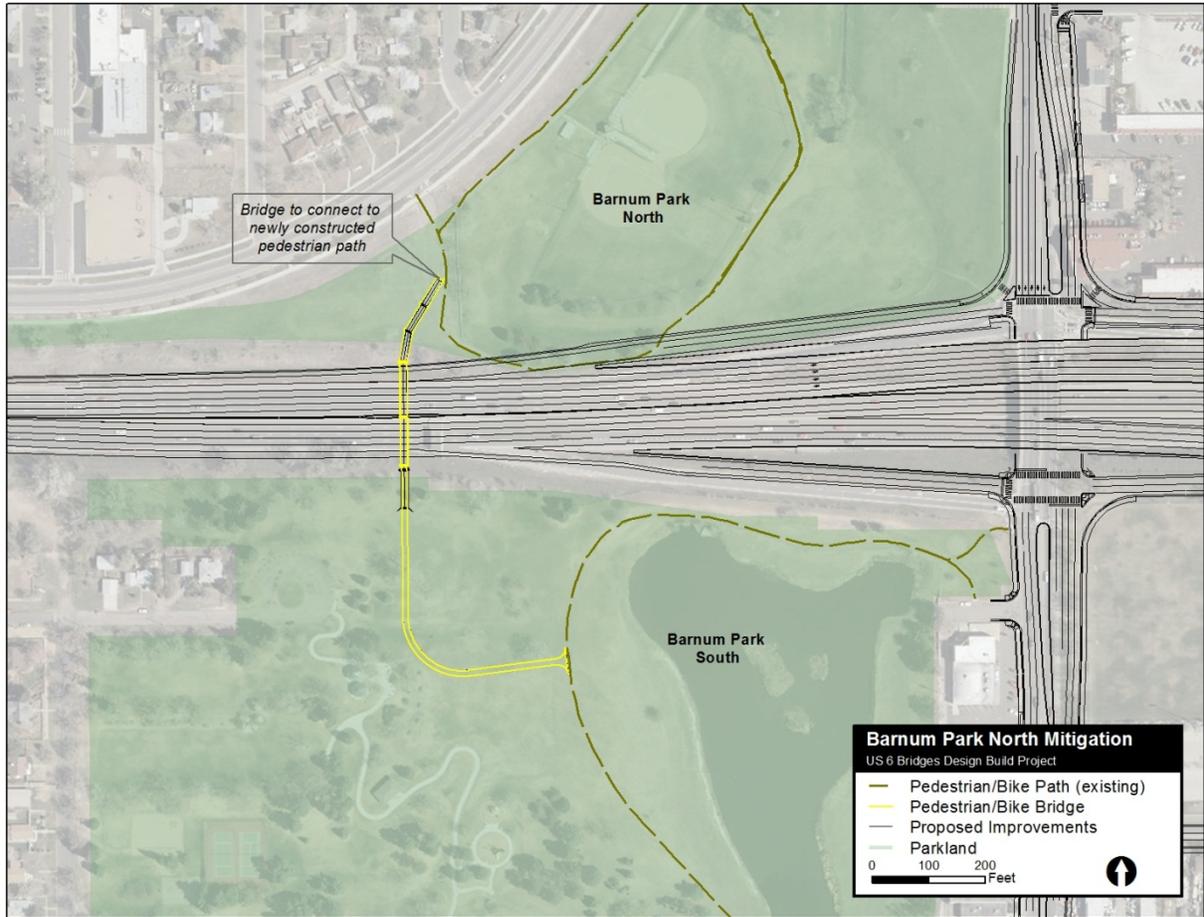


Figure 9: Barnum Park North Mitigation



Figure 10: Barnum Park East Mitigation

7. Conclusion

7.1 Section 4(f) Resources

There are no substantive differences in the direct or indirect effects between Phases 1 and 5 of the Valley Highway Project and the current Proposed Project. The Proposed Project elements relative to Section 4(f) resources fall within the footprint cleared by the FEIS, so the findings therein are still valid. Thus, FHWA should retain its previous Section 4(f) finding that there are no prudent and feasible alternatives to the use of publicly owned parkland, and the Proposed Project includes all possible planning to minimize harm resulting from such use.

The mitigation planned as part of the Proposed Project in Barnum Park North is more substantial than that for the Valley Highway Project and adequately mitigates the use of this 4(f) property. The current proposed action would include a new bicycle/pedestrian bridge over US 6 and provide trail connections between Barnum Park North and Barnum Park South. The Valley Highway Project only proposed a relocated trail within Barnum Park North.

In Barnum Park East, the Proposed Project provides the same mitigation as had been planned for the Valley Highway Project, but it would add 0.4 acre to the east end of the park.

As shown in Table 3, mitigation for the temporary use of the South Platte River Trail by both projects would include providing detours, minimizing closure times, and providing public notices in advance of any closures. The proposed detour would provide a new path connection to 7th Avenue, from 7th Avenue to Bryant Street, Bryant Street to 2nd Avenue, 2nd Avenue/Tejon Street to Bayaud and then to the ramp connection at South Platte River Drive.

The mitigation measures for the use of the West and Southside Interceptor will result in a net benefit to this Section 4(f) resource by enhancing the understanding of the historical development of Denver's brick-lined sewer lines.

7.2 Section 6(f) Resources

The permanent conversion of 6(f) resources into a transportation facility would occur in Barnum Park North by the construction of the WB US 6 on-ramp from Federal Boulevard and the maintenance easement immediately north of the ramp. This conversion would be offset by acquiring additional parkland. The fair market valuation associated with the bridge and trail improvements should exceed the fair market value of the land being converted in Barnum Park North.

No conversion of Section 6(f) resources would occur in Barnum Park South, Frog Hollow Park, or Milstein Park, or to the South Platte River Trail. Temporary occupancy of the trail would be adequately mitigated by the same means described earlier for Section 4(f) mitigation. As project design progresses, up to five acres of land could be converted within the South Platte River floodplain. CDOT will assure that there is an equal value exchange for any Section 6(f) property converted.

8. References

Colorado Department of Transportation. November 2006. Final Environmental Impact Statement/Final Section 4(f) Evaluation: I-25 Valley Highway Project, Logan to US 6.

Federal Highway Administration. July 2007. Record of Decision: I-25 Valley Highway Project, Logan to US 6.

Personal communication: Troy Halouska, CDOT (July 13, 2012), indicated no new right of way is needed from Barnum Park south.

Personal communication: Troy Halouska, CDOT (August 3, 2012), provided information regarding the Section 4(f)/6(f) technical Report.