



## I-70 Mountain Corridor Collaborative Effort Close-out Report

### 1. About this Report

This report represents the conclusion of the initial work done to reach consensus on a Recommended Alternative for the I-70 Mountain Corridor Final Programmatic Environmental Impact Statement (PEIS). It includes a summary of the agreement reached, the process used to reach agreement, and factors that will contribute to on-going success or pitfalls that could undermine the agreement. It has been prepared by The Keystone Center and represents only the perspective of the facilitators involved in the effort. It is not a consensus document, and has not been edited by any members of the Collaborative Effort (CE).

### 2. Introduction

The consensus agreement of the I-70 Mountain Corridor Collaborative Effort has been described as “historic.” Indeed, the important work of this committee represents progress and a departure from decades of distrust, misunderstanding and contention about transportation planning, environmental protection and the economic vitality in and beyond this interstate highway corridor.

Key elements of the consensus agreement for a Recommended Alternative include:

- **A multi-modal solution:** Both transit and highway improvements are a part of the suite of transportation improvements in the corridor. There was strong agreement for the need to address a specific list of “safety and efficiency” improvements in the near term. By 2025, an “Advanced Guideway System” must be in place, unless determined to be infeasible and decisions about additional highway improvements will need to be made.
- **An incremental and adaptive approach to transportation improvements:** All recognized that future travel demand and behavior is uncertain. Also, the group allowed for the possibility that transit improvements may lessen or remove the need for certain highway improvements. Therefore, “don’t build unless you need to” became an overarching principle of the agreement, and specific milestones were attached to different transportation improvements.
- **Commitment to continued involvement among all stakeholders:** Throughout the work of the Collaborative Effort, relations among stakeholders evolved from suspicious and guarded discussion to creative problem solving. Of the many factors that contributed to this success, perhaps none were more important than the increasing willingness of all parties to engage in frequent, forthcoming and detailed conversations. Therefore, all parties have committed to ongoing collaboration in both formal and informal venues.

The Collaborative Effort consensus agreement, like the Programmatic Environmental Impact Statement that it informs, is a broad-level recommendation. The agreement, especially once incorporated into the study, will help set the tone and template for future studies that must be more specific and detailed in order to develop actionable plans and realize improvements. In this way, the Collaborative Effort did not answer all questions about transportation, land use planning and economic development in the Mountain Corridor. However, the recommendation does answer some of these questions for now, sets a positive tone for continued work and offers specific guidance for near-term priorities. The agreement is included in this report as Attachment A.

### **3. Overview of the Collaborative Effort Process**

To initiate this process, FHWA and CDOT worked with the U.S. Institute for Environmental Conflict Resolution to establish a selection committee made up of diverse stakeholders and select a facilitator. After interviewing three teams, the selection panel chose The Keystone Center to facilitate the effort. The Keystone Center first interviewed over 50 stakeholders throughout the corridor to identify issues and make recommendations regarding a possible process for developing consensus on a preferred alternative. The Keystone Center presented several process options to the selection committee to consider.

The initiation, convening and development of the Collaborative Effort is addressed in detail in the Situation Assessment developed by The Keystone Center early in the CE process (please see Attachment B). This includes initial identification and interviews, the designing of the mission and composition of the group and highlighting key items for discussions. Attachment C includes the final list of members of the CE.

Once underway, the CE met once, sometimes twice, a month in full group. In addition, the CE empowered small working groups to take on tasks in between meetings. Initial meetings occurred in November 2007 and were concluded in May 2008. Significant discussion and meeting preparation took place in between meetings, initially at the encouragement and initiation of the facilitators. By the end of the process, virtually all participants were initiating problem solving discussions between and among each other.

The facilitation team initially outlined a strategy and sequence of discussions:

- Develop and find support for the mission of the Collaborative Effort
- Identify key issues for discussion, including initial areas of strong agreement and disagreement
- Develop protocols and principles for engagement, deliberation and decision making
- Agree on the criteria against which any suite of transportation alternatives will be evaluated by the group for desirability
- Identify data needs and questions about methods of analysis
- Examine the range of alternatives to be considered

- Narrow the range of alternatives and eventually select a suite of improvements based on the performance criteria
- Clarify and any codify agreements.

All of these topics were eventually covered, and the general progression of the group roughly follows this outline. However, like many collaborative exercises, the discussions of this group included fits and starts, several tangents, some progress and several setbacks, and often facilitators worked right up until meetings to invent tools and mechanisms for discussion that would highlight agreement, and productively address disagreement, with mixed success. Though a few meetings in particular proved to be pivotal exceptions, group deliberations were often described as frustrating and fruitless by the participants. Many felt that “we have already tried this before”. Some doubted the lead agencies’ ability to be open minded, listen to stakeholder needs and honor agreements, especially informal ones. Agency representatives and others often doubted the ability of stakeholders to move off of old positions, suspicions and resentments, and to look for corridor-wide solutions.

Indeed, many of the key discussion items identified by the group and the facilitation team could not begin without extensive discussion about how the work of the CE might be used and considered by the lead agencies. Specifically, several members had specific questions about the application of the National Environmental Policy Act (NEPA) such as: what, if any agreements at a Tier 1, Programmatic level would be binding and offer guidance to future Tier 2 studies. The application of NEPA and next steps (moving from Draft PEIS to Final PEIS to Record of Decision) required considerable time and attention in and between group meetings early in the CE process, and again near the end of the process.

Two developments assisted the group in addressing questions regarding NEPA and the role of the CE. First, a letter was drafted from the lead agencies, Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT), which explicitly committed each agency to support and implement a consensus agreement, should the group be able to reach one. Second, a small working groups were empowered by the CE to identify, interview and select independent experts who could advise the CE on the application of NEPA, possible pitfalls and areas of litigation, how to strengthen and codify CE agreements, etc. With guidance and facilitation, the subcommittee in charge selected two independent advisors, met with them on several occasions throughout the CE process, and the advisors observed and contributed to CE deliberations and meetings.

Once discussions about transportation improvement and decision making were underway, there were some moments where discussions were decidedly forward-looking, were focused on problem solving, and which highlighted areas of common concern and agreement. Among the most notable was the January 29, 2008 meeting, where participants were divided into small working groups and asked, using maps and markers, to outline broadly which highway and transit improvements enjoyed broad support. At the end of this session, three maps were developed by participants, and one by observing

audience members, which showed a great deal of overlap and coincidence. Each working group outlined virtually the same near-term priority issues for “safety and efficiency improvements” to the highway system, and all maps highlighted the need for a fixed guideway system of transit in the corridor, looking out 50 years into the future. The map exercise also highlighted the biggest area of disagreement—whether highway widening is needed or desirable throughout the entire corridor.

Virtually all members of the Collaborative Effort left the January sessions with positive reactions, surprised at the degree of overlapping interests and with hope that it may be possible to identify common solutions. The facilitators note that this agreement about a broad-level suite of transportation solutions was not a new development. Early in the convening and stakeholder interviews, it was clear that most to all stakeholders supported a multi modal solution. However, the work of the CE was saddled with the same challenge faced by the PEIS: a lack of trust that the principles that underpin broad-level transportation solutions will hold true and guide future, more specific decisions about sequencing of improvements, community and environmentally sensitive design, cost sharing, etc.

As such, deliberations continued and many well-established frustrations and suspicions remained. It is possible that the momentum gained in, for example, the mapping exercise meeting, could have dissipated until frustration overwhelmed the group and closed down discussion. Two external factors may have been factors in keeping the group together and moving towards a solution: the Context Sensitive Solutions (CSS) process, and the development of I-70-focused legislation in the Colorado Congress.

CDOT, in conjunction with the prime contractor, CH2MHill, initiated a process to develop a guide for Context Sensitive Solutions, focusing on the I-70 Corridor. It is through this process which detailed, contextual, specific design and community and environmental protection and mitigation processes and solutions are to be developed. The intention was and is for the CSS and subsequent Tier 2 environmental studies to address the detailed, context sensitive designs for community and environmental protection through the study and build-out of transportation infrastructure.

Initially, like for the CE process, trust in the CSS process was low. Some of this distrust remains, as stakeholders anxiously wait to see if assurances of meaningful and open stakeholder engagement developed in the CE continues through the CSS process. Nonetheless, while some apprehension remained about the legitimacy of the CSS process, the ability to postpone some fine-scale detail questions (which were often of great importance to stakeholders), made it possible to keep the CE on task and focused on broad-level questions and recommendations appropriate for a programmatic study.

Additionally, in the spring of 2008, several bills were introduced to the Colorado legislature which involved identifying sources of funding for corridor improvements such as tolling travel or specific times and types of travel in the corridor. While highlighted as funding-focused, the specific legislation introduced, if passed, would have likely

influenced and/or restricted the types of transportation improvement possible in the corridor.

The existence of this legislation had several impacts on CE discussions. First, and perhaps most importantly, it highlighted that the transportation needs and problems in this corridor are of statewide concern and beyond. If the CE were unable to come to agreement about improvements, it was clear that others statewide were ready and even anxious to push problem solving on I-70 forward. Reports from CE participants seem to indicate that this added some urgency to CE discussions. In the end, this urgency may have contributed to the eventual success of the group reaching agreement. However, the legislation did also result in some short-term setbacks. First, meetings of the CE were disrupted as all participants were understandably keen to participate in legislative proceedings. In the end, urgency placed on answering I-70 questions seemed to outweigh the temporary disruptions for CE proceedings.

The introduction of legislation also resulted in somewhat diminished cohesion and integrity of the CE as a working group. It became clear that one delegation of the CE played a pivotal role in the authorship, introduction and support of the legislation. This added to latent distrust and lack of faith in the CE process, as many were concerned that CE members would seek to advance their interests outside the CE process, rather than engaging in forthcoming and genuine problem solving within the group. Indeed, several members raised concerns that working around and outside of the CE was in violation of the protocols of the group. In the end, the legislation was not passed and the CE continued with its work.

While the failed legislation may have added urgency to CE discussions, it did not necessarily add momentum nor help the group focus on areas of agreement or how to address areas of disagreement. In fact, deliberations in February, March and even into April often stalled and showed little progress. While broad-level agreement remained, significant and important differences also remained, especially regarding the sequencing and conditions under which highway widening could occur in the communities which are widely recognized as receiving the greatest impact from construction and simultaneously the least benefit from the improvements. Some argued enthusiastically that proper application of transit would reduce or remove the need for additional highway widening in these communities. Others contended with equal enthusiasm that even a multi-modal solution will not meet travel demand adequately, and that highway widening will be a necessity, with or without transit. Others advocated for an incremental and adaptive approach, pushing for immediate and meaningful movement towards transit development while also focusing on near term highway safety and efficiency improvements, and measuring the impacts of these improvements.

A two-day meeting was scheduled for the CE in April. At the end of the first day of work, it did not appear that an agreement was close-at-hand. It was only after informal, discussion in the evening of the first day that agreement appeared possible. CE members worked together to identify criteria, benchmarks and milestones through which improvements could start, communities could be protected, and the remaining questions

about the overall effectiveness of different solutions could be evaluated. These conditions were developed further in the second day of meetings in April, and preliminary agreement around a package of transportation improvements was developed. A small working group was empowered by the CE to refine and clarify these agreements, which they did, and the Recommended Alternative was ratified by consensus in the May 2008 meeting.

#### **4. Factors that Contributed to Success:**

From the facilitators' perspectives, there were several important elements which made success and a consensus agreement possible, including:

- **A new gubernatorial administration:** When Governor Bill Ritter was elected, he placed several contentious environmental studies on hold, and specifically asked for increased dialogue and collaborative problem solving. Relationships among stakeholders and the previous administration including appointed agency leadership were laden with distrust and resentment. The acknowledgement of conflict and the willingness to initiate and engage in collaborative discussion were critically important for initial exploratory discussions to begin. New leadership also allowed all stakeholders to “untrench” themselves from the dynamics that had developed over the previous negotiations and discussions
- **Initial reframing of the PEIS Purpose and Need:** The first Draft PEIS was published with two highly-contentious elements, a 25 year timeframe for the study, and a \$4 billion cap on any preferred alternative. Both were seen as attempts to limit the range of possible alternatives, and more specifically, to make it so that only roadway expansion projects were the only likely outcomes of the PEIS. The inclusion of a 50 year timeframe initially added some comfort to those considering participation in the CE, as it appeared to enable more long-term, sustainable solutions. Interestingly, the group struggled throughout the process to identify useful and meaningful assumptions about travel demand and behavior 50 years into the future, and especially chose performance criteria in their agreement which focuses on shorter-term milestones.
- **Very well informed participants:** With few exceptions, the members of the CE have all spent years, in some cases decades, searching for sustainable and desirable transportation solutions for the Mountain Corridor. As a result, these persons carried with them many memories of past which often were formidable obstacles to productive discussion and trust-building. However, these same participants also carried extensive knowledge of the communities in the corridor, the analysis performed in the PEIS, the application of NEPA, transportation and transit planning, etc. When the group was prepared to engage, this knowledge allowed discussions to move quickly.
- **Diverse composition, independent facilitation:** CE members report almost unanimously that the inclusion of independent facilitation was critical for creating

a modicum of trust and initiating discussions. A well formed, diverse group ensured that broad range of interests were represented in CE deliberations.

- **Thorough and credible technical analysis:** Early, and with great clarity, many stakeholders expressed strong reservations primarily with *how* technical data and analysis in the Draft PEIS was developed and utilized. Also early in the CE process, long lists of needs for data and analysis to inform decision making were generated. However, as discussions proceeded, it became increasingly clear that there was confidence in the thoroughness and validity of technical analysis, and the primary issues were associated more with how the data was being used to support specific alternatives. This was invaluable in helping the CE focus on developing their recommendations for which assumptions and criteria should be used to interpret analysis and generate conclusions and recommendations, rather than spending additional time and resources redoing studies and analysis that already exists.
- **Willingness of participants to engage in collaborative problem solving:** The most important factor contributing to success was the willingness of CE members and the supporting cast to let go of old battles and resentments and to focus on creative problems solving. The reframing of the study, the inclusion of independent facilitation, the existence of a new administration and agency leadership and good technical analysis all contributed to success. However, consensus agreement was only possible because each CE member eventually chose to believe that decision making could improve and that a mutually beneficial transportation solution was possible and all members contributed to developing a solution that met the broadest range of interests possible.

## 5. Possible Pitfalls to be Avoided:

The agreement reached by the CE is just the beginning of the process of moving forward with possible solutions. There are several factors that may inhibit implementation if the stakeholders throughout the corridor are not able to continue to work together towards the agreement that was reached in June, 2008. These factors include the following.

- **Deconstruction of the CE agreement rather than additional problem solving:** The CE Recommended Alternative sets the tone and framework for initial work to begin. It also sets initial, broad milestones which will act as “triggers” and benchmarks for future decision making, specifically about highway widening in certain places in the corridor. Discussions throughout and subsequent to the CE process show that there remains important disconnects about these triggers. There is great and dangerous potential for this agreement to lose meaning or utility if parties try to search for specific triggers from a broad agreement. The Recommended Alternative codifies several agreements-in-principle, primarily:
  - o Don’t develop transportation infrastructure until and unless it is needed
  - o Make immediate and meaningful efforts towards analyzing (and if feasible, implementing) transit

- Leave room for future conditions to change regarding travel costs, demand, behavior, population growth, environmental health, etc.
- Continue to proactively engage a broad range of stakeholders on transportation decision making.

If individuals or groups attempt to deconstruct or parse the CE Recommended Alternative to show that “they won” or to use the agreement to further their interests, there is great risk that this agreement could unravel. Instead, this agreement can be most useful in setting a positive tone for future relations, defining a broad vision for the highway corridor and as a departure point for future, more specific, context-sensitive decisions. In short, the Collaborative Effort was successful because it was *collaborative*. And it is in collaboration that future success will be found.

- **Defining “Advanced Guideway System” prior to adequate transit studies:** Several studies are already underway that are the beginnings of transit evaluation and feasibility studies. These studies were not complete by the conclusion of the CE, nor will they likely be completed by the time the Final PEIS is published or a Record of Decision is issued. Given the broad focus of the CE and the lack of information and analysis regarding specific transit technologies performance and suitability, the CE Recommended Alternative intentionally defines transit broadly as an “Advanced Guideway System”. This term was used by the group to discuss a transit system with its own fixed alignment (which may depart from the highway alignment), as opposed to more incremental transit approaches such as adding passenger busses in existing general purpose lanes (which is was identified by the group as a desirable short-term strategy.)

When it is time to rigorously ask “how best to implement transit in the corridor”, it is critical that the scope and purpose of these studies are developed collaboratively, and without artificial restrictions, exclusions or advantages for certain transit technologies. Otherwise, these transit studies will be subject to similar criticisms born by the PEIS in terms of predetermined outcomes or un-level fields of play.

- **Delay of CSS, Tier 2 and Transit Studies and fundraising efforts:** Many elements of the CE Recommended Alternative involve future study and context-specific decision making. A frequent refrain in CE deliberations was that any suite of suggested transportation solutions will only be viable if they enjoy broad and rigorous support. Should Tier 2 studies lag or stall, or should meaningful efforts to study and implement transit falter, there is great risk that the life-span and utility of this CE consensus agreement be diminished greatly.
- **Lack of cohesive corridor-wide vision:** As was pointed out by several participants, any of the CE discussions were inhibited by a lack of a corridor-wide vision for population growth, economic development environmental protection, and the transportation systems which will accommodate this vision. Some CE

participants pointed out that it is difficult to design a transportation system that meets desired demand, when it is not clear what the desired demand is. Unfortunately, a corridor-wide vision requires that each locality individually develop and eloquently define their vision for their communities, and then in turn to work with their neighbors and surrounding regions to develop a cohesive vision. It is of the utmost importance that questions about, for example, desired number of visitors to public lands, the desirability of mountain communities as bedroom communities, the type and location of economic and population growth, etc; be answered in advance of and parallel to transportation planning questions. As of yet, most of these questions remained unanswered. While these discussions are crucial they necessarily will need to look at a wide range of development and growth issues, and not just transportation. As such, the leadership to address them must come from the mountain community stakeholders rather than the transportation agencies.

- **Re-entrenchment and breakdown of discussions:** Perhaps most importantly diverse groups of stakeholders and decision makers must be empowered to continue in detailed, collaborative discussions. Inevitably, government, agency and stakeholder leadership will change and evolve. Those present to craft this agreement will hand off responsibility to newcomers. Even if not, many of the most difficult discussions about transportation improvements in the corridor will be around site-specific, context-relevant questions. Should some, any or all of the interested parties return to their respective corners, focus disproportionately on their own interests and not commit to future collaborative decision making (however cumbersome or uncomfortable), there is great risk that the significant and historic advances made in the Collaborative Effort will be for naught.

## 6. Conclusion

The I-70 Mountain Corridor Collaborative Effort made amazing progress in six short months. Many factors led to its success and others could have very easily led to its demise. In the end, it is the leadership of all of the stakeholders that allowed a collaborative agreement to emerge, and it is this continued leadership that will allow for a successful implementation.