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 29th 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 where 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:
    - Don't develop transportation infrastructure until and unless it is needed
    - 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 disproportionally 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.

CONSENSUS RECOMMENDATION

INTRODUCTION

The Collaborative Effort, a 27-member group representing varied interests of the corridor, was charged with reaching consensus on a recommended transportation solution for the I-70 Mountain Corridor. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) were active participants in this group and committed to adopt the consensus recommendation in the I-70 Programmatic Environmental Impact Statement (PEIS).

VISION FOR THE I-70 MOUNTAIN CORRIDOR

The Collaborative Effort's vision for transportation in the I-70 Mountain Corridor is multi-modal. Transit and highway improvements are based on proven needs and will enhance the corridor, its environment and communities. The Collaborative Effort has not completed a corridor-wide vision for the future, thereby limiting the ability of the group to accurately determine future actions and needs. In order to adequately assess future transportation needs, local governments and communities, along with additional broad stakeholder participation, need to lead a discussion to develop a long-range corridor vision for growth, transportation, and mobility. One primary purpose of this endeavor would be used to assist in the evaluation of capacity improvements. All parties must take ownership in needed changes and continue to work together to achieve this vision.

The criteria below informed the Collaborative Effort's recommendation and will serve as criteria of effectiveness moving forward:

- The solution should improve safety and mobility for all users.
- The solution should be responsive and adaptive to broader global trends that will affect the way we make travel decisions into the future.
- The solution will meet the purpose and need and all environmental and legal requirements.
- The solution should preserve, restore and enhance community and cultural resources.
- The solution should preserve, and restore or enhance ecosystem functions.
- The solution should be economically viable over the long term.

The Collaborative Effort's solution recognizes the importance of providing meaningful recommendations, short-term direction, and the ability to adapt to future conditions and needs. The Collaborative Effort has not analyzed the potential environmental impacts of this recommendation. A comparative analysis must be made of the impacts of this alternative against all other alternatives identified in the Draft Programmatic Environmental Impact Statement. The CE understands that the agencies will make this comparison as required by the National Environmental Policy Act. As soon as this analysis is complete and prior to publication in the Final Programmatic EIS the agencies shall provide a briefing to interested members of the CE of the results of this analysis.

The recommendation below captures the consensus of the Collaborative Effort.

RECOMMENDATION

The recommendation for I-70 through Colorado's mountain corridor is a multi-modal solution including non-infrastructure components, a commitment to evaluation and implementation of an Advanced Guideway System (AGS), and highway improvements. A reassessment of the improvements' effectiveness and reviews of study results and global trends shall be conducted prior to implementing additional capacity improvements. Continued stakeholder involvement is necessary for all tasks conducted on the I-70 transportation system.

The following describes the components of this recommendation:

Non-Infrastructure Related Components

Non-infrastructure related components can begin in advance of major infrastructure improvements to address some of the issues in the corridor today. These strategies and the potential tactics for implementation require actions and leadership by agencies, municipalities and other stakeholders beyond CDOT and FHWA. The strategies include but are not limited to the following:

- Increased enforcement.
- Bus, van or shuttle service in mixed traffic.
- Programs for improving truck movements.
- Driver education.
- Expanded use of existing transportation infrastructure in and adjacent to the corridor.
- Use of technology advancements and improvements which may increase mobility without additional infrastructure.
- Traveler information and other intelligent transportation systems.
- Shift passenger and freight travel demand by time-of-day and day-of-week.
- Convert day-trips to overnight stays.
- Promote high occupancy travel and public transportation.
- Convert single occupancy vehicle commuters to high occupancy travel and/or public transportation.
- Implement transit promotion and incentives.
- Other transportation demand management (TDM) measures yet to be determined.

Advanced Guideway System

An Advanced Guideway System (AGS)[1] is a central part of the recommendation and includes a commitment to the evaluation and implementation of AGS within the corridor, including a vision of transit connectivity beyond the study area and local accessibility to such a system.

Additional information is necessary to advance implementation of an AGS system within the corridor:

- Feasibility of high speed rail passenger service.
- Potential station locations and local land use considerations.
- Transit governance authority.
- Alignment.
- Technology.
- Termini.
- Funding requirements and sources.
- Transit ridership.
- Potential system owner/operator.
- Interface with existing and future transit systems.
- Role of AGS in freight delivery both in and through the corridor.

Several studies currently underway will provide further information to assist stakeholders with evaluation and implementation of AGS. CDOT is committed to provide funding for studies in support of the additional information needs to determine the viability of the AGS. The implementation plan included in the Final Programmatic Environmental Impact Statement will identify roles and responsibilities,

[1] As defined by the performance criteria identified by the I-70 Coalition.

including actions and leadership required by agencies, municipalities and other stakeholders in addition to CDOT and FHWA.

Highway Improvements

The Collaborative Effort recognizes that following highway improvements are needed to address current corridor conditions and future demands. These improvements must be planned considering all elements of the recommendation and consistent with local land use planning. The following safety, mobility, and capacity components are not listed in order of priority, are not subject to the parameters established for future capacity improvements identified in the latter part of this document, do not represent individual projects and may be included in more than one description. They are listed in two categories. All of the improvements in both categories are included in our recommendation. The "Specific Highway Improvements" are called out specifically for the triggers for the Future Highway and Non-AGS Transit Improvements:

Specific Highway Improvements

- A six-lane component from Floyd Hill through the Twin Tunnels including a bike trail and frontage roads from Idaho Springs East to Hidden Valley and Hidden Valley to US 6.
- Empire Junction (U.S. 40/I-70) improvements.
- Eastbound auxiliary lane from the Eisenhower Johnson Memorial Tunnel (EJMT) to Herman Gulch.
- Westbound auxiliary lane from Bakerville to the EJMT.

Other Highway Projects

- Truck operation improvements such as pullouts, parking and chain stations.
- Safety improvements west of Wolcott.
- Eastbound auxiliary lane from Frisco to Silverthorne.
- Safety and capacity improvements in Dowd Canyon.
- Interchange improvements at the following locations:
    - East Glenwood Springs.
    - Gypsum.
    - Eagle County Airport (as cleared by the FONSI and future 1601 process)
    - Eagle.
    - Edwards.
    - Avon.
    - Minturn.
    - Vail West.
    - Copper Mountain.
    - Frisco/Main Street.
    - Frisco/SH 9.
    - Silverthorne.
    - Loveland Pass.
    - Georgetown.
    - Downieville.
    - Fall River Road.
    - Base of Floyd Hill/US 6.
    - Hyland Hills and Beaver Brook.
    - Lookout Mountain.
    - Morrison.

- Auxiliary Lanes:
    - Avon to Post Boulevard (eastbound).
    - West of Vail Pass (eastbound and westbound).
    - Morrison to Chief Hosa (westbound).

Future Stakeholder Engagement

Ongoing stakeholder engagement is necessary because the aforementioned improvements may or may not fully address the needs of the corridor beyond 2025, and the recommendation does not preclude nor commit to the additional mutli-modal capacity improvements. As such, CDOT and FHWA will convene a committee that retains that the Collaborative Effort member profile. The committee will establish its own meeting schedule based on progress made against the approved triggers, with check-ins at least every two years. Such meetings will review the current status of all projects and will consider the following triggers in evaluating the need for additional capacity improvements.

Triggers for Additional Highway and Non-AGS Transit Capacity Improvements

Additional highway and non-AGS transit capacity improvements may proceed if and when:

- The "Specific Highway Improvements" are complete, and an AGS is functioning from the front range to a destination beyond the Continental Divide, or

- The "Specific Highway Improvements" are complete, and AGS studies that answer questions regarding the feasibility, cost, ridership, governance, and land use are complete and indicate that AGS cannot be funded or implemented by 2025 or is otherwise deemed unfeasible to implement, or

- Global, regional, local trends or events have unexpected effects on travel needs, behaviors and patterns and demonstrate a need to consider other improvements, such as climate change, resource availability, and/or technological advancements.

In 2020, there will be a thorough assessment of the overall purpose and need and effectiveness of implementation of these decisions. At that time, CDOT and FHWA, in conjunction with the stakeholder committee, may consider the full range of improvement options.

The CE recommends that the Record of Decision for the PEIS require that Tier 2 studies comply with:

- The Section 106 Programmatic Agreement,
- The Memoranda of Understanding for:
    - Stream Wetland Ecology Enhancement Project (SWEEP),
    - Minewaste, and
    - A Landscape-level Inventory of Valued Ecosystem Components (ALIVE),, and
- The Context Sensitive Solutions (CSS) decision making process and guidance manual.

CDOT and FHWA also will consider the principles of the Colorado Governor Ritter's Climate Action Plan within future environmental studies.

Keystone Center Assessment:
Opportunities for Collaborative Decision Making in the Interstate 70 Mountain Corridor Programmatic Environmental Impact Study

Executive Summary of Key Findings

- There is a broadly recognized need for safety and mobility improvements in the I-70 Mountain Corridor.
- It is important that the Programmatic Environmental Impact Statement (PEIS) identify a preferred alternative and be completed in relatively short time frame.
- There remain issues of concern that may require additional information and analysis. Some of these issues can be considered within the Tier 1 PEIS. Some of these issues may need to be considered in Tier 2 or more detailed studies after the conclusion of the PEIS.
- It is recommended that a small, collaborative, working group be convened to build agreement on decision making and consultation processes and to identify a recommended alternative for transportation modes and improvements in the I-70 Mountain Corridor.
- If trust and confidence in agency leadership and collaborative decision making can be established, it may be possible to build a strong consensus around a broad alternative that identifies travel modes and transportation improvement priorities.

Background and Methodology for this Assessment

In spring of 2007, the Colorado Department of Transportation (CDOT) and the Federal Highways Administration (FHWA) developed a Request for Statements of Interest and Qualifications for an organization to design and facilitate a collaborative decision-making process to identify a recommended transportation alternative for the Interstate 70 Programmatic Environmental Impact Statement (PEIS). The US Institute for Environmental Conflict Resolution (USIECR) managed the selection process and convened a panel of key stakeholders previously involved in the PEIS that, in turn, selected The Keystone Center to develop a situation assessment, and if desirable and appropriate, design, convene and facilitate a collaborative decision making process.

In August of 2007, facilitators from The Keystone Center began interviewing key stakeholders, reviewing background materials and working with CDOT to understand its goals for the PEIS and any collaborative effort. Keystone conducted approximately sixty thirty-minute to two-hour interviews. The list of interviewees is included at the end of this document.

The following is a summary of findings from key stakeholder interviews and recommendations for a collaborative decision-making processes. The responses from all stakeholders have been summarized, condensed and rephrased by the facilitators.

Areas of General Agreement

The majority of interviewees expressed similar or compatible views about the following:

- There is a need for improving mobility and safety in the I-70 Mountain Corridor
- Decision making, consultation and public involvement processes related to the PEIS can be improved to be more inclusive and responsive.

- Clear Creek County and its communities face a disproportionate share of impacts from the roadway and from any future construction projects.
- The I-70 Mountain Corridor includes many opportunities for exemplary examples of regional transportation design and implementation.
- Any meaningful, effective solution will require extensive resources and the cooperation of all stakeholders.
- After seven years of study, it is time to identify a preferred alternative and complete the PEIS. Many share the desire to identify an alternative so that funding initiatives may be developed in time for upcoming elections.
- There is a complex interplay among safety, mobility, economic development, environmental protection and the protection of community and cultural resources. In addition, mountain environments complicate and constrain the design of transportation infrastructure. As such, there are few, if any, simple and inexpensive options to improve transportation in the mountain corridor.

Substantive Areas Requiring Additional Information, Study or Analysis

Though not true for all stakeholders, many felt that the Draft Environmental Imapct Statement (EIS) contains a substantial and adequate amount of information, data and analysis. Most reservations about the study are related to the interpretation of the data and the subsequent conclusions. However, interviewees indicated that the Draft EIS provides insufficient information in many areas. However, some environmental interests believe the environmental information is not sufficient and that a supplemental EIS is needed to address their concerns.

<u>Transit</u>

- Perspectives on the development of transit systems in the mountain corridor vary from "necessary" to "undesirable" to "impossible." This is due in part to the lack of a comprehensive transit feasibility study. There are several remaining questions about transit solutions including:
    - How to accommodate the collection and distribution of passengers.
    - Whether transit solutions meet the travel needs of mountain users and recreationalists.
    - Whether bus rapid transit (BRT) or other non-fixed-guideway transit solutions are desirable and feasible.
    - Whether fixed guideway technology exists that will function safely and efficiently in the mountain corridor.
    - Whether the best alignment for fixed guideway is in the highway right-of-way or is found elsewhere.
    - How a transit system would affect the population growth and land use patterns in mountain communities.
    - How to sequence highway improvements and transit construction to minimize travel delays and economic impacts to mountain communities.

<u>Economic Development and Community Impacts During Construction</u>

- While many acknowledge the analysis in the Draft PEIS regarding the potential economic impacts of different transportation alternatives at build-out, there remain many questions and concerns about the specific economic effects during the

construction phase of any transportation improvements. Given that the transportation improvements will take years to complete, many are concerned that impacts, including the lack of mobility within mountain communities and the loss of revenue, may severely affect the viability of some mountain communities.

Environmental Protection and Impact Mitigation

- Potential environmental impact and options for mitigation were identified as being of insufficient detail in the Draft PEIS in the following areas:
    - Ensuring that mitigation outlined in any CDOT planning process offers more than guidance but instead represents commitments as appropriate to a tired document.
    - Proper planning, design, analysis and construction best management practices to minimize the effects on water quality and aquatic ecosystems.
    - Assessment of potential impacts from disturbing roadbeds during construction. Mine waste tailings as roadbed material may contain contaminants.
    - Wildlife movement and the ability to cross any roadway or transit alignment.
    - Environmental Justice concerns include effects to low income and minority populations who travel to and from work in the corridor as well as health impacts to those who live closest to the highway or who might be displaced by any improvements.
    - Cumulative, secondary and large-scale environmental impacts such as air quality, carbon emissions and the effect of increased visitation to mountain ecosystems.

Developments Since the Draft PEIS was Published in 2004

The corridor and the region have changed since the Draft PEIS was published in 2004. The following changes have influenced stakeholder perspectives:

- The Denver area's Regional Transportation District (RTD) successfully passed a bond issue to fund the design and construction of FasTracks, a major regional transit and fixed guideway system. FasTracks has raised general awareness of transit options and when built out, will provide a network with which other transit systems can be integrated.
- Some stakeholders have identified new fixed guideway technologies that may have the potential to meet the design and performance parameters of the mountain corridor. If a fixed guideway alignment is contiguous with the highway corridor, weather, steep grades and contours preclude the effective use of most train and fixed guideway technologies.
- Since 2004, there has been a groundswell of concern and a shift in national and international perspectives on global climate change, carbon emissions and fossil fuel availability. For those that identify these as key issues, these issues greatly influence their perspectives on what are feasible and realistic transportation options in the future.
- Traffic, congestion and vehicle-miles traveled in the corridor have increased. Skiing and skier travel has increased. An all-time peak travel volume was recorded in August of 2007 on I-70 at the Eisenhower/Johnson tunnels. Traditionally congestion

on the I-70 mountain corridor was viewed as a "Friday afternoon to Sunday afternoon" problem. Greater volumes of travel now result in congestion and low levels of service on weekdays as well as weekends in both the summer and the winter, and this trend is expected to continue.

- The Blue Ribbon Panel on Transportation Finance and Implementation was established by the Governor's office, is underway and a report is expected near the end of 2007.
- Vail Pass studies and proposals, such as for additional climbing lanes, continue to be developed.
- In 2005 legislation was enacted, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009. Many stakeholders felt that previous state administrations were not open to thorough assessments and analysis of fixed guideway and transit solutions and instead were focused on highway expansion and construction.
- The change in state leadership in the Office of the Governor and in the Department of Transportation has resulted in increased confidence that transit questions may be examined with diligence and rigor.

In addition, changes to the PEIS itself which may reframe I-70 discussions and may influence the selection of a preferred alternative in the Final PEIS.

- The range of recommended alternatives identified in the Draft PEIS was defined partly by a selection criterion that no solution or alternative could exceed $4 billion. This upper-limit budget constraint resulted in the elimination of the most ambitious transportation alternatives including all fixed guideway options. CDOT has since removed the $4 billion cap/screening criterion. It is important to note that there is virtual unanimity that there is not currently a sufficient funding source for any transportation solution in the I-70 Mountain Corridor.
- CDOT altered the Purpose and Need Statement for the PEIS to include a fifty-year vision in addition to the twenty-five-year planning horizon which was an important parameter in the modeling and analysis of alternatives. Most stakeholders agreed that it is difficult to identify assumptions about travel modes and behavior fifty years into the future with any confidence, accuracy or precision. However, most stakeholders suggest that in fifty years a multimodal solution may be necessary due to population growth in Colorado (and subsequent increase in travel demand), the effect of carbon emissions on global climate change or the availability of petroleum and other fossil fuels.

Range of Transportation Alternatives

The range of transportation alternatives under consideration is relatively small. Options for improving safety and mobility can be grouped into the following general categories:

- Focus on highway improvements first with a commitment to acquire and preserve the footprint for transit options. Initial focus on fixing highway "pinch points" and key safety issues. Highway expansion and lane additions are included in this category of options.
- Build a fixed guideway first then improve the highway as needed.

- Consider transit other than fixed guideway such as Bus Rapid Transit, Rail Buses or shuttles, with or without dedicated lanes.

Range of Procedural Interests

A range of procedural interests, concerns and suggestions were put forth by those interviewed. Any decision-making or consultative process should be cognizant of the range of opinions regarding decision making.

- Currently, trust and confidence in agency leadership and collaborative decision making is very low. Despite numerous public meetings and opportunities to comment, true dialogue among stakeholders and decision makers has been limited. Consultation in both planning and in project development could be improved.
- Not all stakeholder groups have identical interests or speak with one voice. Environmental groups, the ski industry and individual resorts and advocates for rail and fixed guideway solutions are all examples of stakeholder groups that hold a range of interests and favorite solutions, some of which may be competitive or contradictory.
- The Draft PEIS included cost estimates, screening criteria and consideration of environmental mitigation that indicate a bias towards highway solutions
- It has been two years since the Draft PEIS was published, and several important factors and considerations have changed since that time. Developing a Supplemental PEIS is identified as an established mechanism to update and supplement the PEIS.
- The data presented in PEIS are sufficient but were not appropriately or sufficiently used in screening or analysis of preferred alternatives.
- The data and analysis in the Draft PEIS are sufficient. Additional information and details can be included in Tier 2 studies. CDOT should identify a preferred alternative and complete the PEIS.

Range of Stakeholder Engagement Process Alternatives

Included below is a range of possible stakeholder engagement processes and models:

- No formal group convened: CDOT and FHWA can proceed with individual negotiations with stakeholder groups. Principles of collaboration and joint decision making can still apply to individual negotiations. Given past critiques of incomplete discussions and a lack of transparency in decision making, this model of decision making may not engender the greatest confidence, especially among those stakeholder groups who have felt most disenfranchised from previous processes.
- Small Collaborative Effort Convened: a small (15-30 member) but representative collaborative working group can be convened with the tasks of building agreement on decision-making and consultative processes and identifying a recommended alternative.
- Broad Public Involvement: Many large public meetings and outreach efforts could be used to poll affected and interested parties. Previous public involvement efforts, although substantial, have not been successful in building broad agreement for a preferred alternative. Some level of broad public engagement is likely necessary and will likely be a part of the Context Senstative Solutions (CSS) and other Tier 1 studies.

General Framework for Decision Making Processes

The following is a list of interests that need to be addressed for any model of decision making to be successful:

- Consultation with the affected public and key stakeholders should be inclusive and transparent.
- Decision-making processes and protocols should be dynamic and adaptive over the life of the PEIS, the Context Sensitive Solutions (CSS) process, and the design and build out of any transportation improvements.
- There needs to be greater definition in the areas of greatest disagreement or confusion including economic impacts of construction, environmental protection and mitigation and transit feasibility and performance.
- Any model of decision making should strive for the consensus around an alternative.

Recommendations for a Collaborative Process

Based on this assessment and interviews with key stakeholders, The Keystone Center recommends convening a Collaborative Effort Working Group. This working group should be large enough to be inclusive and small enough to accommodate meaningful, productive discussions. Given the range of stakeholders and process management limitations, we recommend that the collaborative effort include approximately 15-30 members, with options for alternate members to participate along with their primary representative. A list of potential stakeholder groups is included below. This list has been developed in consultation with stakeholders to determine representation of their interests. In addition, The Keystone Center will work with the representatives to facilitate conversations and input from the broader constituencies they are expected to represent.

Key Tasks of a Collaborative Effort

It will be important for a Collaborative Effort Working Group to identify the proper scope of work and range of issues to consider. Virtually all parties interviewed express a desire to complete the PEIS, and not to start over or disregard all of the work and analysis done in preparation of the Draft PEIS. The Keystone Center suggests that the Collaborative Effort Working Group take on the following key tasks:

- Build agreement on protocols and decision making for the collaborative effort
- Determine which questions, areas or issues have been addressed sufficiently in the PEIS, and which issues require further analysis. This includes identifying which issues can be addressed via the CSS process, Tier 1 analysis, Tier II studies, etc.
- Build agreement to the greatest extent possible on decision-making, consultative processes, and opportunities for public engagement after the collaborative effort sunsets and as further study, design and construction continues.
- Build agreement on a *recommended* alternative. Note that this is not the same as a *preferred* alternative, which will eventually be identified in the Final PEIS by the lead agencies of the study. Ideally, the recommended alternative and preferred alternative will be identical.

Criteria for Participation in Collaborative Effort Working Group

Any meetings of a Collaborative Effort Working Group should be dedicated to being productive working sessions for the participants. However, all meetings should be open to the public for

observation and may include short public comment sections. Participating members of the collaborative effort and their alternates should meet the following requirements for participation:

- Able to represent the breadth of views of their constituency, rather than just representing their personal views.
- Empowered as a decision maker within their organizations or constituencies or otherwise able to commit and bind their constituencies to any agreements of the collaborative effort.
- Familiarity with I-70, the previous processes and the range of issues.
- Open to a range of possible solutions.
- Able to be creative and help develop new alternatives and solutions.
- Able to be a statesman/diplomat--all members should be proactive about seeking areas of agreement and should look for mutually beneficial solutions.
- Able to commit the time necessary to attend all day-long meetings of the Collaborative Effort Working Group and to prepare for each meeting by examining supporting information and materials.

Factors That May Contribute to Successful Collaboration

Despite the long history of disagreement about transportation options in this corridor and while there remain significant, difficult questions about the future of I-70, its users and the mountain communities it serves. The Keystone Center facilitators believe there is room for building consensus around a broad, Tier 1 preferred alternative that identifies travel modes and transportation improvement priorities. The following factors, if present, can contribute to a successful collaboration and decision-making process.

- Given that different organizations or individuals within a set of philosophically aligned stakeholder groups hold sometimes competing or not complementary interests and solutions, it may be very helpful to offer facilitation support for stakeholder groups. Stakeholders representing environmental interests have expressed a specific desire for additional support to prepare and coordinate between Collaborative Effort Working Group meetings. Such support will likely increase the productivity and clarity of working group discussions.
- Issue specific workgroups may be convened to address those issues that are most contentious, have the greatest divergence of opinions, or require a finer level of detail to be considered before a broad agreement can be reached.
- Significant low levels of trust among the participants, all stakeholders, participants and interested parties will have to keep an open mind and allow time for trust and confidence building, and for reestablishing working relationships.
- All stakeholders must recognize that trust depends, in part, on transparency. Each needs to be forthcoming to communicate fully.
- Trust also depends on integrity. Follow-through and adherence to commitments is essential.
- A key factor for the success of a collaborative effort will be identifying an appropriate scope and mission. Consensus around a broad preferred alternative that identifies travel modes and transportation improvement priorities appears to be possible. However, some issues of concern may have to be examined in detail and some strong agreements on decision-making and consultative processes subsequent to the PEIS may be necessary.
- The CSS process offers many opportunities for stakeholder engagement, recruiting expertise and building partnerships for transportation solutions. However, trust and

confidence in decision making and consultation processes must be built before many stakeholder groups will be willing to defer detailed design and other important questions to the CSS processes.

- If all regulatory agencies affected by I-70 are aware and engaged, offering proactive and forthcoming opinions, concerns and guidance, there is a greater likelihood that any agreements developed in the Collaborative Effort will be durable and implementable.

Potential Stakeholder Groups for a Collaborative Effort

The following list includes potential stakeholder groups that may participate in a Collaborative Effort. Once a final list of participating organizations is set, The Keystone Center will work with each organization to designate the appropriate representative and alternate.

Stakeholders Interviewed in Preparation of this Assessment

First Name	Last Name	Title
Kevin	Batchelder	Town Manager, Town of Silverthorne
David	Beckhouse	FTA
Joe	Blake	Denver Metro Chamber
Ernie	Blake	Mayor of Breckenridge
John	Calhoun	Trustee, Town of Silver Plume
Ann	Callison	Concerned Citizen
Amy	Cole	National Trust for Historic Places
Harry	Dale	Clear Creek County Commissioner, Rocky Mtn Rail Authority
Don	Dempsey	Formerly CIFCA
Jon	Esty	Colorado Rail Passanger Association
Bob	French	Summit County Commissioner
Gary	Frey	Colorado Trout Unlimited
Greg	Fulton	President, Colorado Motor Carriers
Tim	Gagen	Brckenridge Town Manager
Greg	Hall	Public Works Director, Town of Vail
Betsy	Hand	Co-chair of the transportation committee, Sierra Club
Charmaine	Knighton	FTA
Carol	Krause	Arapaho-Roosevelt National Forest
Debrorah	Lebow	EPA
Carol	Legard	Advisory Council on Historic Preservation
Jim	Lindberg	National Trust for Historic Places
Mary Jane	Loevile	Local Historical Representative, City of Idaho Springs
Dennis	Lunbery	Mayor, City of Idaho Spring
Fred	Lyssy	Mayor, Town of Silver Plume
Karen	McGovan	DRCOG
Kim	McNaulty	Colorado Tourism Office, Office of Economic Development & International Trade
Bert	Melcher	Colorado Mobility Coalition
Melanie	Mills	Colorado Ski Country USA
Cindy	Neely	Town of Georgetown
Kevin	O'Malley	Clear Creek County Commissioner,
Michael	Penny	Town Manager, Town of Frisco and I-70 Coalition
Flo	Raitano	I-70 Corridor Coalition
Anne	Rajewski	Colorado Association of Transit Agencies

Michael	Ramsey	Federal Railroad Administration
Frederick	Rollenhagen	Planning Director, Clear Creek County
Peter	Runyon	Eagle County Commissioner
George	Schuernstuhl	DRCOG
JoAnn	Sorenson	Clear Creek County Planning
Paul	Strong	Colorado Association of Ski Towns
Liz	Telford	RTD
Mike	Turner	RTD
Jay	Ufer	Colorado Mountain Express
Bill	Wallace	Summit County Treasurer
David	Weaver	City and County of Denver
Randy	Wheelock	concerned citizen, Clear Creek County
Elena	Wilkin	Colorado Association of Transit Agencies
Bob	Wilson	Colorado Passenger Rail Association
Valdis "Zeke"	Zebauers	Highways and Transportation, Jefferson County
Stan	Zemler	Town Manager, Town of Vail
Bernie	Zimmer	Ranger Express
Michelle	Zimmerman	South Rockies Ecosystem Project