

I-70 Collaborative Effort
September 26, 2018
Summit County Community and Senior Center, Frisco, CO

Draft Meeting Summary

Members Present: Tim Mauck, Dan Gibbs, Adam Bianchi, Paul Jesaitis, Greg Hall, Jill Ryan, Thad Noll, Gary Frey, Dennis Royer, Brian Duchinsky, Danny Katz, Holly Norton, Margaret Bowes, Chris Linsmayer, Mary Jane Loevlie

Alternates Present: Kelly Galardi (for Shaun Cutting), Martha Miller (for Mike Goolsbee), Dorothy Ostrogorski (for Mizraim Cordero), Steve Durian (for Casey Tighe)

Others Present: Vanessa Henderson, Steve Harrelson, Scott Haas, Craig Gaskill, Paul Jagim, Miller Hudson, Aaron Greco, Mike Lewis, Neil Ogden, Gina McAfee, JoAnn Sorenson, Steve Coffin, Becky Almon, Randy Wheelock.

Meeting Notes:

Co-Chair Mauck called the meeting to order at 10:00 a.m.

1. Introductory Remarks and Approval of May 2018 Meeting Minutes

After introductions, Co-Chair Mauck reviewed the day's agenda and asked for comments on the November 13, 2017 meeting minutes. Hearing none, Co-Chair Mauck asked for and was given consensus approval for the minutes.

2. 2020 Draft Work Plan

Co-Chair Mauck discussed the proposed work plan for how the CE would tackle the 2020 clause in the Record of Decision. The 2020 clause states that, "In 2020, regardless of the status of the triggers, there will be a thorough reassessment of the overall purpose and need and effectiveness of the implementation of components of the Preferred Alternative." He explained that the intent of this language is to ask the fundamental question of whether the Preferred Alternative is working. If it is, then no further analysis is needed. If it is not, the CE may reconsider the full range of improvements in the PEIS or may pursue a new process because the context in which the PEIS was developed is so changed that none of the alternatives evaluated in the final PEIS meet future transportation needs.

He went on to explain that an outstanding question for the CE is what are the criteria against which the CE should assess the effectiveness of the implementation of components of the Preferred Alternative. Co-Chair Mauck suggested it should be assessed against the language of the ROD's Purpose and Need Statement. In other words, have these improvements increased capacity, improved accessibility and mobility, and decreased congestion? He further explained that staying with the Preferred Alternative did not foreclose a subsequent decision to change the Purpose and Need Statement.

Co-Chair Mauck then reviewed the proposed draft work plan for how the CE could approach the 2020 analysis, explaining that the CE would work its way to examining the language of the Purpose and Need Statement. Five steps were proposed, beginning with assessing the effectiveness of the implementation of components of the Preferred Alternative, followed by an examination of proposed projects or initiatives, the identification of outstanding questions regarding the Preferred Alternative, trends and other relevant factors or information, and concluding with reassessment of the Purpose and Need Statement.

Thad Noll stated that the reasoning behind the language was so improvements to I-70 were not held hostage to the PEIS. The intent was to provide a way to reassess in the year 2020 and not be restricted from doing anything different until 2025. The 2020 clause gives the CE a way to explore options or consider issues it didn't see coming when the PEIS was initially developed. Several members expressed agreement with Mr. Noll's interpretation.

Kelly Galardi stated that FHWA's perspective is consistent with that interpretation and explained that because the 2020 issue is in the context of a NEPA document, the way it is approached is important. She suggested that the CE should look at the Purpose and Need statement earlier than proposed in the work plan because if the context has changed, it may lead the CE to question whether the maximum program is sufficient.

Ms. Galardi further explained that while the FHWA is a member of the CE, it is also the lead agency on the PEIS and the only way this reassessment can proceed is with FHWA keeping its lead agency role. Because FHWA has limited staff, this is an effort that would be run by CDOT like a CSS process where there are project teams and stakeholder input is solicited. The first step would be to determine the specifics of the process that will be followed.

There was some discussion about the degree to which this needed to be a public process. Steve Harrelson noted that there is some regulatory precedence that suggests that this reassessment needs to be in the open with the public. He also agreed with Ms. Galardi on the importance of first determining the process to be followed.

Co-Chair Mauck noted that the language in the PEIS alternates between being an "assessment" and a "reassessment" and that which term is most appropriate is an issue which the CE will need to discuss. Kelly Galardi explained that from FHWA's perspective, the words "assessment" and "reassessment" were used as an alternative to the word "re-evaluation" which suggests a more comprehensive review.

Co-Chair Mauck also noted that the 2020 language suggests a need to inform the public about the issue and that it might be more of an informational meeting for the public. Vanessa Henderson noted that most of CDOT's re-evaluations don't involve a significant public process unless there is a significant change in the proposed action. If nothing is changing, they don't conduct a public process.

Danny Katz suggested that public communication is important and should be part of our mission and part of this reassessment. Steve Harrelson agreed, noting that a significant percentage of the public doesn't understand this EIS. He too noted that public communication is important.

Steve Harrelson summarized the steps that would be followed for the 2020 reassessment: 1) reassess conditions; 2) determine if there are any changes to the Purpose and Need Statement; 3) determine whether there are any changes to the Preferred Alternative; 4), and if there are, then conduct the re-evaluation. Ms. Galardi amended that summation by suggesting that the context should be evaluated as part of step 2 because if the Purpose and Need statement doesn't change, there is no need to look at the Preferred Alternative.

Co-Chair Mauck suggested the formation of a subcommittee to work with CDOT and FWA to codify a work plan and bring that back to the CE for consideration. There was agreement with that approach and Jill Ryan, Kelly Galardi, Mary Jane Loevlie, Dan Gibbs, Gary Frey, Holly Norton, Adam Bianchi, Steve Harelson, Vanessa Henderson, Shaun Cutting and Tim Mauck volunteered.

Co-Chair Mauck mentioned that the 2020 clause is specifically called out in the Operating Protocols and committed to sending the protocols back out to the group for their review.

3. Projects Updates

Paul Jesaitis began with Panasonic. The program is starting Phase 2 with installation of roadside units along I-70 and continuing to work with stakeholders. There are issues associated with the colors of the units and whether they are affixed to existing or new poles and other details. This fall, CDOT will be outfitting the first 100 vehicles with technology that will communicate with the roadside units. It will initially be CDOT vehicles and people familiar with the corridor, but they have plans to go to 1000 vehicles.

Mr. Jesaitis then provided an update on CDOT's Rapid Speed Travel Benefits and Opportunities Study. He explained that Hyperloop and Arrivo are using the information CDOT is pulling together for their own studies and the CDOT information is helping to inform them to identify their potential routes. Because CDOT is not a funder of their studies, it is not privy to routes and other proprietary information in their studies. CDOT's study report should be released late 2018. This report is essentially a compilation of prior studies. Once either Hyperloop or Arrivo identify a route or routes they wish to pursue, they will submit a proposal to HPTE as an unsolicited proposal.

Steve Harrelson provided a Floyd Hill update. A proposed action has been identified and the project has moved into the evaluation portion of our NEPA work which will go on for the next 12-18 months. The project is on both transportation ballot initiatives going before the voters in the fall. The recommendation is to go with a Construction Management/General Contractor (CMGC) approach, a contracting method where CDOT would hire the engineer and contractor and the contractor then has a right of first refusal to do the work.

Paul Jesaitis mentioned that CDOT is working on potentially installing technology to address the problem of bald tires driving in snow conditions. This technology involves driving a vehicle in the Dinosaur lots where an electronic system measures tire depth and pressure that will then inform the driver whether that vehicle can make it up the hill. It will be widely communicated to the public and only put in effect during big snow events. Another option CDOT is considering is getting more staff and enforcement on the highway to check tire depth and pressure. Paul walked through CDOT's operations and efforts to manage snow events.

Martha Miller presented the update from Region 3. She mentioned that work is underway on an auxiliary lane on the west side of Vail Pass. This project involves a third lane that is full width and fully operational. Design options are being developed and the Environmental Assessment should be completed the end of 2019. Funding doesn't exist, but the project is included in the two transportation funding ballot initiatives this fall.

She provided an update on projects in Summit County and noted that the Dowd Interchange in Eagle County is on the shelf as it didn't make the list of projects for ballot initiative 109 but it is included in initiative 110.

4. Study on Impacts of High-Speed Transit in the Mountain Corridor

Co-Chair Mauck began this conversation by noting that all funds have been secured to fund the entire study and thanked all funders: Clear Creek, Summit and Eagle Counties, Metro Denver Economic Development Corporation, CDOT, City and County of Denver, I-70 Coalition, and the Silver Dollar Metro District.

Patty Silverstein of Development Research Partners explained that the intent of the study is to look at economic impacts of introducing high-speed rail from DIA to Eagle County airport and specifically how it influences visitor spending, business spending, impacts on residents, and development impacts. Her research methods include reviewing existing research and data, surveys to residents, interviews with local planners and economic development professionals and interviews with businesses. She will be looking to CE members for how best to outreach in their areas. The report is planned to be completed by the end of February.

Mary Jane Loevlie asked if this study would begin with the congestion study she did in 2007 that looked at the cost of congestion? Ms. Silverstein explained that this study is the flip side of the 2007 study and will be looking at the benefits of high-speed transit. Mary Jane Loevlie then asked if there is a way to update the cost of congestion? Patty Silverstein explained that this is something she will look into.

Gary Frey asked if the study would look at externalities such air quality and water quality? Patty Silverstein explained that there will be a section in the report entitled "Beyond the Numbers" that will look at more of the qualitative issues, but this study won't be doing any primary research on those factors. Danny Katz asked if there was a way to incorporate benefits from reduction in climate change. Patty explained that she will not be doing primary research on this issue but this would be included in the Beyond the Numbers section.

Patty Silverstein and Pam Reichert then distributed the survey for CE members to complete. The CE then engaged in a discussion about the methodology and approach of the survey. Patty Silverstein and Pam Reichert agreed to take all the comments and suggestions under consideration.

5. Westbound PPSL

Commissioner Mauck reminded attendees that there was general consensus by the CE at its May 2018 meeting that Westbound Peak Period Shoulder Lanes (PPSL) fit within the Record of Decision subject to understanding what category of exclusion applied, a determination that it

qualifies as a Categorical Exclusion (CatEx) and further clarification on the relationship between mitigating measures and the nature of a CatEx.

Kelly Galardi Henderson explained that the FHWA was in the process of drafting the CatEx and that FHWA was treating this the same way Eastbound PPSL was treated and that the same categories of exclusion would apply: C26 (the modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes), C27 (highway safety or traffic operations improvements), and C28 (which applies to bridges but there are no bridges on the Westbound project doesn't apply).

With regard to clarifying how a CatEx can have mitigation measures, Ms. Galardi explained that confusion can be created by the fact that different federal agencies have different interpretations of the law with regard to this issue. Under FTA's and FHWA's interpretation, the agency is allowed and even encouraged to have mitigations in a Cat Ex and it would be highly unusual for those agencies to have a project without impacts. The key distinguishing factor is whether there is significant impact. The degree of impact determines whether an Environmental Impact Statement or an Environmental Assessment is required. If the impacts are not significant, a CatEx would apply. Ms. Henderson stated that the Westbound project is similar to the Eastbound project which did not have significant impact but the formal decision on the impacts of Westbound won't be made until the project has been officially submitted for review.

Co-Chair Mauck then reiterated the need for a determination by the CE that there is consensus that the Westbound project is compliant with the ROD.

Gary Frey noted that the key is how "significant" is defined. Ms. Henderson explained that the definition is in the law, is based on both context and intensity, and can be found in 40 CFR 1508.27.

Greg Hall inquired how alternatives are selected as they go through the analysis and process? Are alternatives to PPSL reviewed? Ms. Galardi explained that the ROD provides a framework and boundaries for answering the question and limits the kind of alternatives that could be examined (e.g., a re-route of the highway would not be an alternative that would be considered but the width of a lane is an example of an alternative issue that could be examined).

Gary Frey took exception to Ms. Galardi's point that the ROD identified the Preferred Alternative. The Vail Pass project and others involved additional scrutiny under NEPA, either at the EA, EIS or Cat Ex level. An alternative cannot be defined, he said, until an impact analysis has been done and that has not been done in the PEIS with regard to Vail Pass. The range of alternatives need to be considered. That led to further discussion about the level of alternative analysis that was conducted vis-à-vis Vail Pass.

Co-Chair Mauck observed that the discussion is precisely the type of discussion that the CE should be having and asked Martha Miller to discuss projects on the west side of the Eisenhower Tunnels that have been accomplished and are proposed so we can discuss whether there is a process or a checklist that can be used to evaluate the consistency of projects with the ROD.

Ms. Miller explained there are a lot of projects on the list such as the Eagle interchange and others that haven't been looked at yet. Some have included an alternative analysis.

Greg Hall asked what the process is for projects to be reviewed by the CE and at what point in the process should they be evaluated?

Co-Chair Mauck suggested a check list be developed to determine whether any particular project fits the ROD and how it fits, and with that the CE would then have a document and a process for review that could be included in the record. Mr. Harrelson suggested that the CE could have a standing item on the agenda where all minimum projects, specific highway improvements, maximum program projects, operational improvements and AGS issues are listed for the CE to review. That would provide the CE with continuity of understanding these projects.

Co-Chair Mauck agreed with the suggestion and suggested that a subgroup be formed to develop the check list. Steve Harrelson, Martha Miller, Margaret Bowes, Adam Bianchi, Greg Hall, Dan Gibbs, Kelly Galardi, Tim Mauck and Gary Frey agreed to serve on that subcommittee.

Ballot initiative update

Co-Chair Gibbs provided an update on the two transportation ballot initiatives proposed for the November 2018 ballot to fund statewide transportation improvements and discussion ensued about both.

Conclusion

Mike Lewis joined the meeting towards the end. Commissioner Mauck updated him on the day's discussion and asked him to make a few remarks. Mr. Lewis expressed the importance of collaboration and the important collaborative role of the CE.

Miller Hudson mentioned that his client, General Atomics, is bidding on a project in Los Angeles.

Steve Harrelson mentioned that CDOT has an intern, a grad student at the Colorado School of Mines, who is doing a study on developments in tunneling technology and that he could perhaps come to the CE in the spring to brief the group on the study.