

**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 Impact 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.

### Transit

- 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:
  - o How to accommodate the collection and distribution of passengers.
  - o Whether transit solutions meet the travel needs of mountain users and recreationalists.
  - o Whether bus rapid transit (BRT) or other non-fixed-guideway transit solutions are desirable and feasible.
  - o Whether fixed guideway technology exists that will function safely and efficiently in the mountain corridor.
  - o Whether the best alignment for fixed guideway is in the highway right-of-way or is found elsewhere.
  - o How a transit system would affect the population growth and land use patterns in mountain communities.
  - o How to sequence highway improvements and transit construction to minimize travel delays and economic impacts to mountain communities.

### Economic Development and Community Impacts During Construction

- 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:
  - o Ensuring that mitigation outlined in any CDOT planning process offers more than guidance but instead represents commitments as appropriate to a tired document.
  - o Proper planning, design, analysis and construction best management practices to minimize the effects on water quality and aquatic ecosystems.
  - o Assessment of potential impacts from disturbing roadbeds during construction. Mine waste tailings as roadbed material may contain contaminants.
  - o Wildlife movement and the ability to cross any roadway or transit alignment.
  - o 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.
  - o 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 Sensitive 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**

<b>First Name</b>	<b>Last Name</b>	<b>Title</b>
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 Passenger Association
Bob	French	Summit County Commissioner
Gary	Frey	Colorado Trout Unlimited
Greg	Fulton	President, Colorado Motor Carriers
Tim	Gagen	Breckenridge 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
Deborah	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