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3.0 Section 4(f) Findings

The Federal Highway Administration's (FHWA) implementing regulations (23 Code of Federal Regulations [CFR] 774) for Section 4(f) require FHWA to determine whether a transportation project "uses" publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites, and to approve such use only if statutory criteria are met (feasible and prudent avoidance alternatives with all possible planning to minimize harm, or a *de minimis* impact finding/qualifying exception). As documented in the Draft Environmental Impact Statement (EIS) Chapter 4.15 and Appendix E17 (Section 4(f) Resources Technical Report), Section 4(f) properties include historic properties eligible or treated as eligible for the National Register of Historic Places within the Area of Potential Effect and several public recreational resources, including the South Platte River Trail, Sand Creek Trail, Clear Creek Trail, and the Dahlia Trailhead.

FHWA's findings for the Selected Alternative are summarized below in Table 3-1. Additional supporting information about each Section 4(f) finding is provided in Chapter 2.0 of this Record of Decision (ROD). Supporting Section 4(f) consultation and coordination documentation is provided in Appendix A of this ROD.

CDOT coordinated with the Colorado State Historic Preservation Office (SHPO) on behalf of FHWA throughout the Section 106 consultation process. Following publication of the Draft EIS, minor changes to the environmental footprint modified easement requirements for the Burlington Ditch (5AM.465.9), Suncor (5AM.4044), DP/UP Segment-Greeley Line (5AM.472.41), and CB&Q/BNSF Segment-Brush Line (5AM.464.21). As a result, CDOT reopened Section 106 consultation with SHPO on February 5, 2026. In that consultation, CDOT requested concurrence on updated effects determinations and notified SHPO that FHWA intended to apply a *de minimis* finding under Section 4(f) for the affected historic properties. On February 17, 2026, SHPO concurred with CDOT's determination that the revised undertaking would result in No Adverse Effect to the affected historic resources and confirmed that the proposed *de minimis* finding remains valid and appropriate for the project.

Based on the completed Section 106 consultation and SHPO concurrence, FHWA signed a *de minimis* finding for the project on August 20, 2025, as documented in the Draft EIS (Appendix E-17, Attachment D). Additional consultation was conducted following the minor changes to the environmental footprint as noted above. As a result, FHWA signed a subsequent *de minimis* finding on March 17, 2026. The updated consultation record is provided in Appendix A of this ROD.

Table 3-1. Summary of FHWA Section 4(f) Findings and Officials with Jurisdiction Concurrences for Selected Alternative

Resource	Section 4(f) Finding	Official(s) with Jurisdiction (OWJ)	Signed Finding and OWJ Written Concurrence
Historic Properties: Plastics, Inc. Suncor Energy Sand Creek (Railroad) Junction Chicago, Burlington & Quincy, Brush Railroad Line Burlington Ditch Denver Pacific Railroad, Greeley Line Chicago, Burlington & Quincy, Market Street Line Brighton Boulevard Gardener's Ditch York Street Vasquez Boulevard	<i>de minimis</i>	SHPO	FHWA <i>de minimis</i> findings - August 20, 2025, and March 17, 2026; SHPO concurrence on No Adverse Effect and <i>de minimis</i> finding - December 12, 2024, and February 17, 2026
South Platte River Trail	Temporary occupancy exception under 23 CFR 774.13(d)	Adams County Parks, Open Space and Cultural Arts	FHWA temporary occupancy exception approval (ROD); Adams County Parks, Open Space and Cultural Arts concurrence on temporary occupancy exception - November 22, 2024
Sand Creek Trail	<i>de minimis</i>	Commerce City Sand Creek Regional Greenway Partnership (SCRGP)	FHWA <i>de minimis</i> finding - June 8, 2026; Commerce City and SCRGP concurrence - May 8, 2026, and May 13, 2026
Dahlia Trailhead	<i>de minimis</i>	Commerce City SCRGP	FHWA <i>de minimis</i> finding - June 8, 2026; Commerce City and SCRGP concurrence - May 8, 2026, and May 13, 2026

Table 3-1 documents FHWA's Section 4(f) findings for the Selected Alternative. The basis for each finding and how the applicable Section 4(f) requirements are satisfied is summarized below. Detailed information regarding impacts, avoidance and minimization measures,

consultation, and the analyses supporting these determinations is provided in Appendix E17 of the Draft EIS and Chapter 2, Section 2.5.2 of this ROD.

Section 4(f) Determination: Section 4(f) Use - *de minimis* impact to Historic Properties:

The Selected Alternative will require permanent and temporary easements from 10 historic properties protected under Section 4(f). The easements are confined primarily to previously developed transportation corridors and will not alter the historic features that contribute to the properties' significance or National Register eligibility. Based on FHWA's No Adverse Effect determination, concurred upon by SHPO through the Section 106 process, FHWA determined that the project results in *de minimis* impacts to these historic properties under Section 4(f).

Non-Historic Section 4(f) Determination: Section 4(f) Use - Temporary Occupancy

Exception, South Platte River Trail: The Selected Alternative will require temporary occupancy of portions of the South Platte River Trail to accommodate replacement of the I-270 bridges over the South Platte River. Additionally, there will be improvements to the trail alignment and profile to address existing substandard vertical clearances, grades, and curves. Only temporary construction easements will be needed to construct the improvements. A temporary trail will be constructed to maintain continuity along the trail during construction because there is not a feasible detour route that utilizes sidewalks. The duration for this temporary occupancy will be for less than the time needed for construction of the project and will not result in any change of ownership. As described in Chapter 2 of this ROD, the trail property will not be permanently incorporated into the transportation facility and will not alter the recreational features for which the trail is protected. All disturbed portions of the trail will be reconstructed and areas around the trail will be restored in accordance with the project mitigation plan. The trail will be reopened following construction at this location. Based on the limited nature of the occupancy and concurrence from Adams County Parks, Open Space and Cultural Arts, FHWA determined that the occupancy meets the conditions of 23 CFR 774.13(d) and does not constitute a use of the South Platte River Trail under Section 4(f).

Non-Historic Section 4(f) Determination: Section 4(f) Use *de minimis* impacts to Sand

Creek Trail and Dahlia Trailhead: The Selected Alternative will affect the Sand Creek Trail and Dahlia Trailhead through limited easements and construction-related activities. For the Sand Creek Trail, impacts are confined to small areas relative to the overall trail facility and consist primarily of temporary closures, detours, and localized easements. Trail continuity will be maintained during construction, and disturbed areas will be restored upon completion. At the Dahlia Trailhead, impacts are limited to construction of new sidewalk connections, temporary access needs, and short-term effects within the parking area, while public access and parking availability will be maintained. Based on the limited extent of these impacts and the preservation of the recreational functions and protected features of both resources, FHWA determined that impacts to the Sand Creek Trail and Dahlia Trailhead constitute a *de minimis* impact under Section 4(f). As noted in Table 3-1, Commerce City and the Sand Creek Regional Greenway Partnership concurred with these findings.

Public involvement for the proposed *de minimis* findings on recreational Section 4(f) resources was conducted during the Draft EIS public review period. Public hearing/open house

meetings were held on January 8, 10, and 13, 2026. Project exhibits and the public comment form described impacts to recreational Section 4(f) resources, proposed avoidance, minimization and mitigation measures, and solicited feedback regarding the effects on the South Platte River Trail, Sand Creek Trail, and Dahlia Trailhead. The materials were also made available on the project website throughout the public review period. No comments were received regarding the proposed recreational *de minimis* findings.

FHWA has completed the required evaluations under Section 4(f) of the United States Department of Transportation Act of 1966 and, based on the analysis in the Draft EIS, Chapter 2.0 of this ROD, and OWJ coordination, hereby issues the Section 4(f) approvals for the Selected Alternative, including *de minimis* findings and the temporary occupancy exception under 23 CFR 774.13(d). FHWA's *de minimis* finding approvals, supported by OWJ concurrence and public involvement for recreational Section 4(f) resources, and OWJ concurrence with the temporary occupancy exception, demonstrate compliance with Section 4(f) for all identified properties.